



NEW YORK STATE
**OLYMPIC REGIONAL
DEVELOPMENT AUTHORITY**

VOLUNTEER HANDBOOK

September 7, 2022

By Jordan Clymer

2634 Main Street, Lake Placid, NY 12946

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Dear Valued Volunteer,

I am pleased to welcome you to the Olympic Regional Development Authority's (ORDA) volunteer team! By choosing to volunteer with us, you are taking the first step to making our events successful. Our Lake Placid Legacy Sites—Mount Van Hoevenberg, the Olympic Center, the Olympic Jumping Complex—host a variety of sports including bobsledding, ski jumping, Nordic skiing, hockey, and more. These world-class events significantly benefit our local community, bringing in people from around the globe.

Our volunteers are essential to not only the competition but the venue as well. From ticket taker to venue steward to course set-up and breakdown to shuttle drivers, it takes many helping hands to have a successful event. With your help, we can create fun, safe, and fair events.

The impact you make by volunteering goes beyond yourself. Our events support thousands of athletes yearly; your help makes a difference to our athletes following their dreams and our local community.

In this handbook, you will find all the required information you need to be a volunteer with ORDA. Our goal is to provide you with the instruction you need to ensure you have a memorable experience and are confident in your role to make an event successful. We encourage you to communicate with the Event Volunteer Coordinator regarding any questions about the information provided within this handbook.

Thank you for volunteering. We are grateful for your contributions and look forward to seeing you at our next event!

With gratitude,

Jordan Clymer

Jordan Clymer
Event Volunteer Coordinator
Olympic Regional Development Authority

GENERAL INFORMATION

Lake Placid is known for being the winter sports capital of America, where the Winter Olympics were held in 1932 and 1980. Shortly after the 1980 Olympic Winter Games, the New York State Olympic Regional Development Authority (ORDA) was created by the New York State legislature to manage the facilities. State and local governments cooperatively created a long-term solution to protect the public's investment in the Lake Placid Olympic facilities through the establishment of ORDA. Today, ORDA operates several venues throughout New York State – the Olympic Center, Olympic Jumping Complex, Mt. Van Hoevenberg, Whiteface Mountain, Gore Mountain, and Belleayre Mountain.

Olympic Center: 2634 Main Street, Lake Placid, NY 12946

Located on Main Street Lake Placid, this location provides a wide variety of opportunities to volunteer. The Olympic Center encompasses the Lake Placid Olympic Museum, three indoor ice rinks, an outdoor speedskating oval, and the Conference Center at Lake Placid. The three indoor rinks are the 1932 Jack Shea Arena and the 1980 Rink Herb Brooks Arena, which seats 7,700 people, and the USA Rink (built for the 2000 Goodwill Games and mainly used as a practice space), and the outdoor speedskating oval is the James C. Sheffield Speedskating Oval. The Olympic rinks host figure skating, USA Hockey events, Stars on Ice, ECAC Hockey Championships, and more.

Olympic Jumping Complex: 52 Ski Jump Lane, Lake Placid, NY 12946 or 5486 Cascade Road, Lake Placid, NY 12946

The Lake Placid Olympic Jumping Complex accommodates one ski jumping hill with several different jumps. The largest jumps we have to offer are the 100 and 128-meter. Athletes use our ski jumps to enhance their skills with the goal of pursuing their dreams of going to the Olympics. The facility also provides a zip line experience, SkyRide Experience (gondola & elevator to the top of the 128-meter jump), roller skiing trails, and freestyle aerial training.

Mt. Van Hoevenberg: 220 Bobsled Run Lane, Lake Placid, NY 12946

Mt. Van Hoevenberg provides a variety of activities that attract worldwide attention. This location has the only indoor push track in North America and hosts many sliding sports competitions for bobsled, skeleton, and luge. The facility also accommodates an intricate network of trails for cross-country skiing and biathlon. Additionally, Mt. Van Hoevenberg provides a wide range of other fun activities such as mountain biking, hiking, and indoor rock wall climbing.

TYPES OF VOLUNTEER OPPORTUNITIES

Our volunteer team is vital to a successful event. By getting involved, you will have an opportunity to volunteer our events hosted at these venues.

We have two different types of volunteer groups: General and Technical volunteers.

General volunteers help the success of the venue. These positions ensure that the venue is operating at the most optimal level while the event is happening. The volunteer duties may include but are not limited to usher, credential checker, parking lot attendant, and ticket taker.

Technical volunteer duties guarantee the success of the competition. These positions are critical to competition and require prior and on-the-job training. The volunteer duties may include but are not limited to timing, scoring, athlete chaperoning, and shuttle driving.

BENEFITS FOR VOLUNTEERING

Olympic Regional Development Authority (ORDA) wants to reward all volunteers who dedicate their time and effort to making our events and programs successful. This document outlines the benefits provided for your service.

Types of Coupons

A volunteer that works a 4+ hour shift in a single day can choose to select a Lift Ticket Coupon or an Attractions Coupon. Those that work a single day shift less than 4 hours will receive an Attractions Coupon.

The Lift Ticket Coupon can be used at Whiteface Mountain, Gore Mountain, or Belleayre Mountain. The Attractions Coupon may be used for the following attractions:

- MVH trail pass (2 skiers)
- Venue Scenic Skyrides (2 passengers)
- Jumps Gondola and Elevator (2 passengers)
- MVH Trail Rides (two riders) - Bike rental not included
- Gore Mountain Biking (2 riders) - Bike rental not included
- Belleayre Beach (4 visitors)
- Venue Disc Golf (4 players)
- Olympic Center Oval & Indoor Public Skating (two skaters) - Skate rentals not included
- Veterans Memorial Highway (driver and one passenger) – Valid M-F, non-holiday
- SkyFlyer Zipline – Additional charge of \$5 per rider. Valid M-F, non-holiday
- Cliffside Coaster – Additional charge of \$5 per rider. Valid M-F, non-holiday
- MVH Ice and Wheeled Bobsled Rides – Additional charge of \$30 per rider. Valid M-F, non-holiday. Advanced reservations required.

Please note that all coupons will expire 13 months after the date of being issued.

Redeeming your Lift Ticket or Attractions Coupon

An Attractions Coupon or a Lift Ticket Coupon (dependent on hours) will be given to you at the end of each assigned day. For the lift ticket or attractions pass, you are required to make an online reservation using the unique code on the coupon, located at the bottom of your coupon. You can access the packages by typing **thankyou** into the promo code section of the webstore, or by using the links below. The webstore you use is dependent on the attraction or skiing venue location. For example, the cliffside coaster is at Mount Van Hoevenberg, so select the first link below to find that ticket. The venue box office requires that the individual's ID should match the name on the online reservation when you pick up your tickets. Coupon codes are only redeemable online and are unable to be redeemed at the box office.

Please note that you are not able to make an online reservation for the "Veterans Memorial Highway (driver and one passenger)". To redeem this attraction, you will need to bring the coupon to the venue's box office

Whiteface Mountain, Mount Van Hoevenberg, Ski Jumping Complex and The Olympic Center:
<https://whiteface.com/?promocode=ThankYou>

Gore Mountain: <https://goremountain.com/?promocode=ThankYou>

Belleayre Mountain: <https://www.belleayre.com/?promocode=ThankYou>

Sharing the Coupons

You may share your benefits with your friends and family members. Using the unique coupon code, please make your online reservation for the attraction or lift ticket. The individual's name who is participating in the activity is required to be specified on the online reservation. The box office requires the ticket holder's name and ID to match the online reservations. After you make the online reservation, they can pick up the ticket at the activity's box office location.

Questions?

Please feel free to reach out to volunteers@orda.org with any questions about this policy.



Personal Information Notification

The New York State Olympic Regional Development Authority maintains certain personal information on employees for purposes of complying with various laws and statutes (labor law, worker's compensation law, etc.) and conducting the normal day to day operations of business.

The Personnel Office is responsible for the maintenance and collection of said information. Failure to provide certain information may render you ineligible for appointment and may interfere with ORDA's process/transmit information. ORDA cannot be liable due to inaccurate information provided or omitted information. It is your responsibility to ensure that all information is accurate and up to date.

The purpose for which this information is requested is conducting the normal day to day operations and administration of ORDA.

Information that you provide will be disclosed:

- (1) upon your written authorization; or
- (2) to officers, employees, and contractors of ORDA as is necessary to perform official duties; or
- (3) for any use relevant to the purpose for which it was collected; or
- (4) in accordance with established law and/or lawful policies/procedures; or
- (5) as necessary to conduct operations and administration of normal ORDA business

The Personnel Office is responsible for the maintenance of systems of records. Requests by individuals for access to and correction of personal information collected by ORDA should be made to:

Director of Human Resources
NYS Olympic Regional Development Authority
2634 Main St.
Lake Placid, New York 12946
518-302-5307

- or -

your venue's personnel office

ORDA Employee Expectations Regarding Youth Guests and Athletes

As part of our goal to ensure a safe and healthy environment for athletes and guests as well as our desire to mirror appropriate federal and state legislation, ORDA is enacting the following employee conduct measures that all paid and non-paid (volunteers) employees are expected to follow. Many ORDA employee job require interactions with youth guests and athletes as part of employees' everyday job functions. Youth guests and athletes are anyone under 18-years of age. In addition to complying with ORDA's policies regarding anti-discrimination and anti-harassment, employees must be especially aware of who they are dealing with and use their best judgement when working with these individuals. In this regard, ORDA has created guidelines for appropriate conduct employees are to adhere to in their interactions with youth guests and athletes. The following are examples of appropriate and inappropriate conduct and interactions.

Inappropriate Contact:

- hugs
- Kisses
- Showing affection
- Lap sitting, wrestling, piggyback rides, tickling
- Massages
- Touching bottom, chest, or genital areas.

Appropriate Contact:

- Shoulder to Shoulder
- Pats on shoulder or back
- Handshakes
- High-fives, hand slapping, fist bumps
- Verbal praise
- Touching hands, shoulders, and arms.
- Holding hands (with young children in escort situations)
- As part of job function: assisting after fall or with balance.

Inappropriate Verbal Interactions:

- Name calling
- Discussing sexual encounters
- Discussing personal problems
- Secrets
- Cursing
- Off-color or sexual jokes.
- Shaming or belittling
- Derogatory remarks about the youth, youth's family members, or others.
- Harsh language that may frighten, threaten or humiliate youth.
- Complimenting on physique or body development.

Appropriate Verbal Interactions

- Positive reinforcement
- Encouragement
- Praise
- Appropriate public conversation exchanges.

Inappropriate Comments:

Inappropriate comments include those that are sexual in nature, suggestive in nature, or innuendo. Regardless of age, language needs to be suitable for public consumption at all times.

Examples of inappropriate comments: “dirty” jokes, discussion of sex life, and foul language.

Limiting One-On-One:

Interactions with youth should be in a public space or should be open and interruptible. Best practice is not to be alone with a minor.

Examples:

- Minor alone with adult in ski patrol (have additional ski patrol employee present).
- Minor alone with adult ski instructor in gondola cabin (ride with other guests).
- Minor alone with adult driver in shuttle bus (ride with other guests).
- Minor alone with employee in office (have additional employee in office or move to public space).

Electronic Communications: includes phone, texts, messaging, and social media.

Unless communication is with an immediate family member, all communications between youth guest or athlete and an ORDA employee must include a parent or legal guardian as part of the communication.

Contact through organization groups related to job function is allowed when it is done in a public setting.

Inappropriate language / messages or inappropriate pictures are to be considered a violation of ORDA expectations.

Reporting:

Employees who witnesses or suspects ORDA employee abusive behavior, inappropriate physical contact, or other conduct not meeting ORDA employee conduct expectations for youth guests and athletes must report incident to department supervisor immediately. Department supervisor must report incident or suspicion to HR and/or venue General Manager.

ORDA expects that sport coaches, and sport employees and volunteers will adhere to U.S Safe Sport standards while on ORDA property. Any incident that an ORDA employee suspects violates ORDA expectation standards or U.S. Safe Sport must be reported to a department supervisor immediately.

Abusive or inappropriate behavior by a guest on ORDA property towards any youth must be reported to a department supervisor immediately.



CODE OF CONDUCT

It is essential that public officials and state employees adhere to the highest standards of conduct, and that the public has confidence in the integrity of its officials and employees. Public officials and state employees must, therefore, avoid conduct that is in violation of the public's trust or that creates a justifiable impression among the public that such trust is being violated.

OFFICE OF THE NEW YORK STATE INSPECTOR GENERAL



WHISTLEBLOWER POLICY

Purpose

It is the policy of the Olympic Regional Development Authority (“ORDA”) to afford certain protections to individuals who in good faith report violations of ORDA’s Code of Ethics or other instances of potential wrongdoing within ORDA. This Whistleblower Policy is applicable to all ORDA employees and its board members.

It prohibits discrimination, harassment and/or retaliation of any kind against anyone who reports in good faith, based upon a reasonable belief: (i) a complaint and/or provides information concerning an actual, potential or suspected act of fraud, misconduct, wrongdoing or other inappropriate behavior by an employee or ORDA business partner as further described in this Policy, or (ii) a complaint and/or provides information regarding any alleged conduct that violates or demonstrates non-compliance with ORDA Policies and Procedures and/or any applicable laws and regulations affecting the organization.

This Whistleblower Policy, and the procedures set forth below, are intended to encourage and enable employees to raise concerns in good faith within ORDA and without fear of retaliation or adverse employment action.

Definitions

For purposes of this policy, the terms specified below shall be defined as follows:

“Good Faith” – shall mean information that is disclosed whereby the individual disclosing said information reasonably believes such information to be true and reasonably believes that it constitutes potential wrongdoing.

“ORDA” – shall mean the Olympic Regional Development Authority.

“ORDA Employee” – shall mean all staff employed by ORDA including those working full-time, seasonal, part-time, temporary, or contract employees. The term ORDA Employee shall also include, for purposes of this policy, ORDA board members and ORDA Officers.

“Whistleblower” - shall mean any ORDA Employee (as defined herein) who in good faith discloses information concerning acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by another ORDA Employee, or concerning ORDA’s investments, travel, acquisition of real or personal property, the disposition of real or personal property, the procurement of goods and services, and/or the business of ORDA itself.

“Wrongdoing” - shall mean any alleged corruption, fraud, criminal or unethical activity, misconduct, waste, conflict of interest, intentional reporting of false or misleading

information, or abuse of authority engaged in by an ORDA Employee (as defined herein) that relates to ORDA.

“Personnel action” – shall mean any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.

Section I: Reporting Wrongdoing

Any ORDA Employee who discovers or has knowledge of potential wrongdoing concerning: board members, officers, or employees of ORDA; or a person having business dealings with ORDA; a contractor of ORDA; or concerning ORDA itself, shall report such activity in accordance with the following procedures:

- a) The ORDA Employee shall disclose any information concerning wrongdoing either orally or in a written report to his or her highest level supervisor (i.e., Venue Manager or departmental Director), or to ORDA’s ethics officer, general counsel or human resources representative.
- b) Any ORDA Employee who discovers or has knowledge of wrongdoing shall report such wrongdoing in a prompt and timely manner.
- c) The identity of the whistleblower and the substance of his or her allegations will be kept confidential to the best extent possible.
- d) The individual to whom the potential wrongdoing is reported shall forward the complaint to the Vice President of Operations, Director of Human Resources, or General Counsel, who will then cause an investigation to be conducted in a timely and reasonable manner, which may include referring such information to the Authorities Budget Office or an appropriate law enforcement agency where applicable.
- e) Should an ORDA Employee believe in good faith that disclosing information within ORDA pursuant to Section 1(a) above would likely subject him or her to adverse personnel action or be wholly ineffective, the ORDA Employee may instead disclose the information to the Authorities Budget Office or an appropriate law enforcement agency, if applicable. The toll free number for the Authorities Budget Office (1-800-560-1770) should be used in such circumstances.
- f) Any Employee who knowingly submits false allegations of misconduct, fraud, or other wrongdoing, or otherwise fabricates accusations, is not protected under this policy and is subject to disciplinary action up to and including termination.

Section II: No Retaliation or Interference

No ORDA Employee shall retaliate against any whistleblower for the disclosure of potential wrongdoing, whether through threat, coercion, or abuse of authority; and, no ORDA employee shall interfere with the right of any other ORDA employee by any improper means aimed at deterring disclosure of potential wrongdoing. Further, no ORDA employee shall retaliate against or otherwise interfere with an employee who is cooperating and/or providing information during the course of an investigation. Any attempts at retaliation or interference are strictly prohibited and:

- a) No ORDA Employee who in good faith discloses potential violations of ORDA's Code of Ethics or other instances of potential wrongdoing, shall suffer harassment, retaliation or adverse personnel action.
- b) All allegations of retaliation against a Whistleblower or interference with an individual seeking to disclose potential wrongdoing will be thoroughly investigated by ORDA.
- c) Any ORDA Employee who retaliates against or attempts to interfere with any individual for having in good faith disclosed potential violations of ORDA's Code of Ethics or other instances of potential wrongdoing is subject to discipline, which may include termination of employment.
- d) Any allegation of retaliation or interference will be taken and treated seriously and irrespective of the outcome of the initial complaint, will be treated as a separate matter.

Section III: Other Legal Rights Not Impaired

The Whistleblower Policy and Procedures set forth herein are not intended to limit, diminish or impair any other rights or remedies that an individual may have under the law with respect to disclosing potential wrongdoing free from retaliation or adverse personnel action.

- a) Specifically, these Whistleblower Policy and Procedures are not intended to limit any rights or remedies that an individual may have under the laws of the State of New York, including but not limited to the following provisions: Civil Service Law § 75-b, Labor Law § 740, State Finance Law § 191 (commonly known as the "False Claims Act"), and Executive Law § 55(1).
- b) With respect to any rights or remedies that an individual may have pursuant to Civil Service Law § 75-b or Labor Law § 740, any employee who wishes to preserve such rights shall prior to disclosing information to a government body, have made a good faith effort to provide the appointing authority or his or her designee the information to be disclosed and shall provide the appointing authority or designee a reasonable time to take appropriate action unless there is imminent and serious danger to public health or safety. (See Civil Service Law § 75-b[2][b]; Labor Law § 740[3])



Safety Policy and Program

Mission Statement

The New York State Olympic Regional Development Authority (“ORDA”) has created this Safety Policy and Program with the mission of providing and maintain a safe and healthy work environment for its employees. It is each employee’s responsibility to comply with this Safety Policy and Program.

Management Commitment and Leadership

The Senior Management of ORDA supports the Safety Policy and Program with human, financial and material resources needed to achieve its goals.

All staff are expected to abide by safety policies and procedures established by Senior Management. The failure to do so will be cause for disciplinary action.

It is the responsibility of all management staff to ensure that their employees adhere to the Safety Policy and Program and to hold employees accountable for any violations.

Safety Committees

Each venue is required to have a Safety Committee and to hold monthly Safety Committee meetings. Each Safety Committee must be comprised of a mixture of management and staff, and must have a Chair and a Secretary.

Minutes of each meeting are to be distributed to the general manager for each venue, the Safety Committee members, the Human Resources Department, the Chair and Co-chair of the Central Safety Committee, and Risk Manager.

The agenda for Safety Committee meetings must include:

- Reviewing accident investigation reports and determining if appropriate corrective action was taken to prevent a similar occurrence in the future. If not, the Committee should submit a recommendation to the appropriate venue manager for subsequent action. If an accident investigation report is not clear, it should be returned to the supervisor to provide more information.
- Reporting hazards that could lead to accidents or property damage and make recommendations.
 - Recommendations should be submitted to the appropriate Venue Manager.
- Identifying and assisting with any activities that support the Safety Program.

Central Safety Committee

The Central Safety Committee (CSC) shall be comprised of at least one representative from each venue. The chair of each venue’s Safety Committee shall also serve on the CSC and shall meet with the ORDA Risk Manager monthly. This Committee will meet no less than every three months. The purpose is to share information among the venue

operations and maintain consistency from venue to venue in the areas of policy, procedures, training, and other safety topics.

Supervisors

Supervisors are responsible for:

- Maintaining a safe work environment and safe work practices.
- Identifying cause(s) of injury for all work-related accidents, including near misses, and recommend actions to prevent similar incidents.
- Submitting incident reports by the end of the shift during which the incident happened.
- Enforcing ORDA's Safety Policy and Program.
- Conducting pre-shift safety meetings.

Department Supervisors

Department Supervisors are responsible for:

- Job Hazard Analysis – Supervisors are required to complete a job hazard analysis for every task undertaken in their department. Surroundings of job site, tools, equipment, personal protection equipment, training and precautions are crucial consideration in this analysis. They will be reviewed annually.
- Completing the employee incident report and root cause analysis with the employee in a timely manner.

When appropriate, enforcing ORDA's disciplinary program; enforcing ORDA's Safety Policy and Program; and ensuring supervisors are enforcing ORDA's Safety Policy and Program.

Training

Occupational and safety training is provided to all staff by ORDA as mandated in Article 2, Section 25-a, Part 3 of the New York Department of Labor Public Safety and Health Act. This statute also requires that employees understand and comply with general, as well as job-specific, occupational safety standards.

All new staff members are required to be given orientation training as soon as possible after starting employment. Annual refresher training must also be provided to all year-round and returning seasonal staff. Additional safety training should be provided by supervisors to their staff as appropriate, given their job titles and job descriptions, which should include and outline the nature of their work, the equipment used, job requirements, personal protective equipment, and should identify the safety training necessary to perform that job function.

All training must be documented.

Staff

All employees are responsible for:

- Workplace safety.
- If involved in or aware of an accident that results in personal injury or property damage, reporting the accident to their supervisor and completing an incident report immediately.
- Reporting any condition or practice that may cause injury and/or damage to equipment immediately.

- Complying with all safety rules established by management.

Inspections

Building inspections should be done monthly.

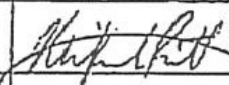


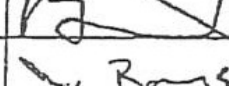
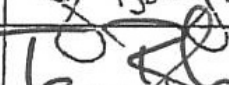

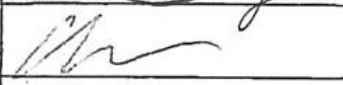
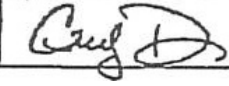

Each venue will conduct quarterly inspections. Findings must be documented. A copy of the findings will be provided to venue management staff and Safety Committee, the Human Resources Department, the Chair and Co-Chair of the CSC, the President/CEO, Vice President of Operations, and Risk Manager.

Employee participation is encouraged.

Personal Protective Equipment

Where hazards cannot be eliminated, employees must use appropriate personal protective equipment. All employees must be instructed on the proper use of personal protective equipment and training must be documented.

The signatures below of all senior management, each venue manager, and the union will be required to confirm their commitment to this Safety Policy and Program.

Name	Title	Signature	Date
Mike Pratt	President/CEO		
Vero Piacentini	V.P. of Operations		9-15-21
David McKillip	Director of Human Resources		9-14-21
Bruce Transue	Belleayre Venue Manager		9-19-21
James Bayse	Gore Venue Manager		9-16-21
Terry Buczkowski	Olympic Center Venue Manager		9/27/21
Rebecca Dayton	OSC/OJC Venue Manager		9/23/2021
Aaron Kellett	Whiteface Venue Manager		9/23/21
Cindy Dady	Risk Manager		9-13-2021



Social Media Policy

Purpose and Benefits of the Policy

More people than ever are using social media technologies to create, connect, and collaborate online. Social media generally refers to websites and applications commonly associated with facilitating interactive information sharing, interoperability, user-centered design, and collaboration on the World Wide Web. For purposes of this policy, social media is any media platform that is created to be shared freely across different web publishing platforms. Examples include, but are by no means limited to, Facebook, Twitter, LinkedIn, Snapchat, Instagram, etc. The purpose of this policy is to not only provide guidelines for the professional use of social media by the Olympic Regional Development Authority (ORDA) and its authorized agents, but also to provide expectations to staff regarding acceptable and unacceptable uses of social media.

Authorization

Pursuant to Executive Order No. 117 of 2002, and reinforced by Executive Order No. 2 of 2011, ORDA's Public Information Officer (PIO), or a person otherwise authorized by the President/CEO, is responsible for maintaining the ORDA's social media site(s) including, but not limited to, securely maintaining the location and access rights associated with such sites.

As a New York State public benefit corporation, ORDA is subject to New York's Statewide policy on use of social media [\[https://its.ny.gov/sites/default/files/documents/nys-p11-001.pdf\]](https://its.ny.gov/sites/default/files/documents/nys-p11-001.pdf). This policy does not replace the state's policy on use of Social Media, but should be read in conjunction with said policy. Further, this policy is meant to augment New York State's social media policy and addresses ORDA's specific needs as it pertains to use of social media.

Only users authorized by the Public Information Officer or other designee may post on a social media platform on behalf of ORDA. Content posted on any ORDA social media site must comply with all applicable Federal and State laws, regulations and policies as well as any terms of use/terms of service applicable to the social media site being used.

ORDA will also create a separate User Guide for authorized users that establishes parameters for user-generated content in order to help ensure compliance with laws, terms of use, security risk mitigation, and compliance with this policy.

Use of Social Media by Authorized Users

The purpose of ORDA's social media efforts are to further the interests of ORDA as deemed by the President/Chief Executive Officer or his/her designee(s). Posts that present ORDA, any of ORDA's venues, any of ORDA's partners, and/or the State of New York in a negative light and/or are deemed to be inflammatory are strictly prohibited.

Only staff authorized by the Public Information Officer (PIO) may use social media technologies in their official capacities on behalf of ORDA. Authorized users must adhere to the following rules when using such technologies through ORDA's Information Technology resources and/or in their capacities as an ORDA employee.

Authorized users:

- Shall abide by all applicable policies, terms of use and work rules including the ORDA policy on Acceptable Use of Information Technology (IT) Resources, regarding the use of the Internet and information technology resources when using social media tools in their capacity as an ORDA employee. The use of social media tools on ORDA IT resources will be monitored in accordance with ORDA IT protocols and procedures.
- Are responsible for all of their online activities
- Shall not discuss or post confidential, proprietary or otherwise restricted information.
- Shall only post in accordance with the terms of ORDA's User Guide
- Shall abide by copyright and other applicable laws. A user's comments and posts may be permanently available and open to being republished in other media. Users should be aware that libel, defamation, copyright and data protection laws apply to postings on social media websites.
- Must obtain permission before publishing photographs, videos or quotes that are not generated by ORDA.

Additionally, any and all material generated by an authorized user is proprietary and owned by ORDA

ORDA Social Media Sites

ORDA is responsible for the creation, maintenance, and discontinuance of its social media sites/pages. ORDA's PIO, or other person designated by the President/CEO, is responsible for maintaining ORDA's social media site(s), including but not limited to securely maintaining the location and access rights associated with such sites.

ORDA Social Media Use Policy

ORDA engages customers and other interested parties through many digital outlets, including orda.org, goremountain.com, whiteface.com, and belleayre.com. Communicating with ORDA through social media enables customers and others to contact and engage us in a direct and meaningful way.

ORDA's social media sites such as Facebook and Twitter pages are located within host sites that maintain their own terms of service, terms of use, privacy policies or other rules ("Terms of Service", TOS) governing the use of these sites. You are subject to the TOS of the host site when you visit an ORDA social media site. Information (photos, videos, messages etc.) you share with or post to ORDA pages may be used by the owners of the host site for their own purposes pursuant to its TOS. For more information, consult the host website's TOS.

ORDA may also host its own social media sites, whose site-specific Terms of Service govern your use of those sites. You agree that any information you post on an ORDA social media site is irrevocably, permanently licensed to ORDA and may be treated by ORDA as public information subject to disclosure to third parties. If a copyright is indicated on a video, photo, graphic or other material, permission to copy the material must be obtained from the original source of the material before posting.

Communications made to ORDA through an ORDA social media site/platform will not be considered formal public comment and shall not constitute official legal notice to ORDA nor requests for records under the Freedom of Information Law. Such submissions will not be acknowledged.

Questions regarding ORDA's social media use policy may be directed to info@orda.org.

Disclaimer

The following disclaimer shall be placed on all social media sites (pages) and websites controlled by ORDA:

Thank you for visiting [insert venue/ORDA/site as appropriate] on [SITE]. The opinions and beliefs expressed by users on this site are those of the users and do not necessarily reflect the views or opinions of ORDA. Comments posted on this site are not considered formal public comment and are not promised or guaranteed to be accurate, current, or complete. ORDA assumes no responsibility for and expressly disclaims responsibility for updating this site to keep information current or to ensure the accuracy or completeness of any posted information. ORDA is not required to preserve indefinitely all material posted to its digital outlets. Links or advertisements provided on this website may have been placed there by the social media host site and not the ORDA. Their placement does not constitute an endorsement of the content, viewpoint, accuracy, opinions, policies, products, services, or accessibility of those items by the ORDA nor the State of New York. Once you follow a link to another website from this website, including another website maintained by ORDA, you are subject to the terms and conditions governing the use of that website.

5.0 Policy Compliance

This policy shall take effect upon publication. ORDA shall review the policy periodically to ensure relevancy. New York State Information Technology Services (ITS) may also assess ORDA's compliance with the New York State's policy on social media. To accomplish this assessment, ITS may issue, from time to time, requests for information to ORDA, which will be used to develop any reporting requirements as may be requested by the NYS Chief Information Officer, the Executive Chamber or Legislative entities.

Non-Official/Personal Use of Social Media and Social Networking

ORDA recognizes that many of its employees use social media for their own personal use. Therefore, ORDA employees, or those working on behalf of ORDA, who use social media and social networking services and tools for personal use outside of the workplace do not require approval to do so. However, ORDA recognizes that these types of tools can sometimes blur the line between professional and personal lives and interactions. Therefore, employees are reminded that, as representatives of ORDA, the guiding principles identified below should be taken into consideration when using social media at any time, but particularly when identifying themselves as employees of ORDA or when context might lead to that conclusion.

By exercising discretion and common sense when employing social media for professional or personal purposes, employees will help assure that their great potential is fully realized without inadvertently compromising ORDA's professional, legal, or ethical standards.

Guiding Principles

The following principles should be employed when using social media services in a non-official/personal capacity:

Be aware of your ORDA association in online social networks. If you identify yourself as an ORDA employee or have a public facing position for which your ORDA association is generally known, ensure your profile and related content (even if it is of a personal and not an official nature) is consistent with how you wish to present yourself as an ORDA professional, appropriate with the public trust associated with your position, and conform to existing standards. Employees should have no expectation of privacy when using social media tools.

- When in doubt, stop. Don't post until you're free of doubt.
- In a publicly accessible forum, do not discuss any ORDA related information that is not already considered public information. The discussion of sensitive or proprietary information is strictly prohibited. This rule applies even in circumstances where password or other privacy controls are implemented. Failure to comply may result in fines and/or disciplinary action.

Last, employees need to be aware that, as employees of ORDA, their posts, whether intended or not, may be associated with ORDA – even when they are not specifically identified as ORDA employees. To the extent that this association can occur, staff may be held liable and subject to disciplinary action for posts that shed ORDA in a negative light, may be deemed to be inflammatory, or otherwise reflect negatively upon ORDA.

Individual Authorization for Use of Likeness

For valuable consideration received, I grant to the New York State Olympic Regional Development Authority ("ORDA") and its legal representatives and assigns, the irrevocable and unrestricted right to use my name and/or likeness for editorial, trade, advertising, and any other purpose and in any manner and medium; and to alter and composite the same without restriction and without my inspection or approval. "My likeness" includes a photograph, videotape recording, film or artistic rendering of me, a recording of my voice, and/or reproduction of any of these. I hereby release ORDA and its legal representatives and assigns from all claims and liability relating to said likeness and I consent to ORDA sharing my likeness with such third parties as it deems appropriate.

X _____

SIGNATURE

NAME

DATE

PHONE

STREET ADDRESS

CITY, STATE, ZIP

X _____

IF MINOR, SIGNATURE OF PARENT/GUARDIAN

(Print Name)



OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

Domestic Violence in the Workplace

Policy Statement

Domestic violence permeates the lives and compromises the safety of thousands of New York State employees each day, with tragic, destructive, and often fatal results. Domestic violence occurs within a wide spectrum of relationships, including married and formerly married couples, couples with children in common, couples who live together or have lived together, gay, lesbian, bisexual and transgender couples, and couples who are dating or who have dated in the past.

Domestic violence is defined as a pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim. In addition to exacting a tremendous toll from the individuals it directly affects, domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover.

The purpose of this Policy is to identify and prescribe agency practices that will promote safety in the workplace and respond effectively to the needs of victims of domestic violence. Agencies will use this Model Policy to develop their own agency-specific policies to achieve these objectives.

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

Definitions

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

Domestic Violence: A pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

Intimate Partner: Includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time, couples who live together or have lived together, or persons who are dating or who have dated in the past, including same sex couples. ([1](#))

Abuser: A person who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

Victim: The person against whom an abuser directs coercive and/or violent acts.

ORDA: Shall mean the New York State Olympic Regional Development Authority

Guidelines

I. Employee Awareness

Agencies shall increase awareness of domestic violence and inform employees of available sources of assistance.(2)

- a. ORDA shall post information on domestic violence and available resources in the work site in places where employees can obtain it without having to request it or be seen removing it, such as rest rooms and lounge areas. Such information shall include available sources of assistance such as Employee Assistance Program, local domestic violence service providers, the NYS Domestic Violence and Sexual Assault hotline, and/or human resources personnel who are trained and available to serve as confidential sources of information, support, and referral.
- b. Referrals shall be made to domestic violence programs located on the OPDV website at http://www.opdv.state.ny.us/about_dv/fss/resource.html. Additional referrals may be made to best meet the needs of the employee. Information shall be made available on employee bulletin boards and included in employee newsletters, as appropriate.
- c. ORDA shall include information on domestic violence awareness and services in written materials provided to new employees and as part of new employee orientation.
- d. ORDA shall inform employees that New York State law prohibits insurance companies and health maintenance organizations from discriminating against domestic violence victims. The law prohibits designation of domestic violence as a pre-existing condition. An insurance company cannot deny or cancel an insurance policy or require a higher premium or payment because the insured is or has been a domestic violence victim. [§2612 of the Insurance Law.]
- e. ORDA shall integrate information on domestic violence and ORDA's domestic violence and the workplace policy into existing materials and literature, policies, protocols, and procedures, including Public Employer Workplace Violence Prevention Programs(3) as appropriate.
- f. ORDA shall consider conducting domestic violence awareness activities such as "brown bag" lunch programs and other health and wellness programs.

II. Non-Discriminatory and Responsive Personnel Policies for Victimized Employees

ORDA shall take the steps necessary to ensure that personnel policies and procedures do not discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence.

New York State law makes it a crime for employers to penalize an employee who, as a victim or witness of a criminal offense, is appearing as a witness, consulting with a district attorney, or exercising his/her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law. This law requires employers, with prior day notification, to allow time off for victims or subpoenaed witnesses to exercise his/her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law [Penal Law §215.14]. If there are any questions or concerns regarding the leave that must be granted to victims or subpoenaed witnesses, contact the ORDA's Personnel Office or the Attendance and Leave Unit at the Department of Civil Service.

- a. ORDA, upon request, will assist the employee in determining the best use of his/her attendance and leave benefits when an employee needs to be absent as a result of being a victim of domestic violence. If an employee requests time off to care for and/or assist a family member who has been a victim of domestic violence, the agency will evaluate the employee's request for leave for eligibility under existing law and collective bargaining agreements applicable to the employee and the attendance rules.
- b. ORDA recognizes that victims of domestic violence may lack the required documentation or have difficulty obtaining the required documentation to justify absences without compromising their safety. Therefore, ORDA will, upon request, consult with the employee to identify what documentation she/he might have, or be able to obtain, that will not

compromise his/her safety-related needs and will satisfactorily meet the documentation requirement of the employer. Because there are confidentiality issues associated with the submission of documentation in these instances, ORDA may consult with the Attendance and Leave Unit at the Department of Civil Service for guidance.

- c. Employees who are victims of domestic violence and who separate from a spouse (or terminate a relationship with a domestic partner, if covered), shall be allowed to make reasonable changes in benefits at any time during the calendar year where possible, in accordance with statute, regulation, contract and policy.
- d. ORDA prohibits inquiries about a job applicant's current or past domestic violence victimization, and prohibit employment decisions to be based on any assumptions about or knowledge of such exposure.
- e. In cases in which it is identified that an employee's work performance difficulties are a result of being a victim of domestic violence, said employee shall be afforded all of the proactive measures outlined in this policy, and shall be provided clear information about performance expectations, priorities, and performance evaluation. If a disciplinary process is initiated, ORDA will consider all aspects of the victimized employee's situation, and all available viable options in trying to resolve the performance problems should be exhausted, including making a referral to the Employee Assistance Program, provided that they are consistent with existing collective bargaining agreements and applicable policies.
- f. If reasonable measures have been taken to resolve domestic violence-related performance problems of victimized employees, but the performance problems persist and the employee is terminated or voluntarily separates from employment, ORDA should inform the employee of his or her potential eligibility for unemployment insurance and respond quickly to any requests for information that may be needed in the claims process. New York State law provides that a victim of domestic violence who voluntarily separates from employment may, under certain circumstances, be eligible for unemployment insurance benefits. [§593 of NYS Labor Law.]

III. Workplace Safety Plans

ORDA shall create and incorporate a domestic violence workplace safety response plan and provide reasonable means to assist victimized employees in developing and implementing individualized domestic violence workplace safety plans, consistent with existing collective bargaining agreements, statutes and regulations.

ORDA shall designate an ORDA/OPDV liaison. This liaison will ensure ORDA-wide implementation of the domestic violence and the workplace policy, and serve as the primary liaison with OPDV regarding the domestic violence workplace policy.

ORDA shall designate personnel available to support those in need of assistance around the issue of domestic violence. Designated support personnel's contact information, including name, work phone number and location will be included in published materials and clearly posted.

ORDA shall comply and assist with enforcement of all known court orders of protection, particularly orders in which abusers have been ordered to stay away from the work site. If requested by the victim of domestic violence or law enforcement, ORDA shall provide information in its possession concerning an alleged violation of an order of protection.

ORDA shall have an emergency security response plan in place, including procedures for contacting the appropriate law enforcement agency, and provide employees with clear instructions about what to do and who to contact if they observe anyone engaging in threatening behavior. Such a plan will allow appropriate actions to be taken if an abuser gains unauthorized access to the work site, or if an abuser engages in any acts that threaten the safety of employees or clients.

- A. All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of any ORDA operated facility without proper authorization.

B. Conduct that threatens, intimidates, or coerces another employee or a member of the public at any time, including off-duty periods, will not be tolerated.

C. Violence and threats of violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor, Department Head or Venue Manager. This includes threats by employees, as well as threats by customers, vendors, solicitors, or members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

D. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work site, contact the Police Department immediately.

Warren County Sheriff's Department:	518-743-2500
Essex County Sheriff's Department:	518-873-6321
Ulster County Sheriff's Department:	845-338-3640
Delaware County Sheriff's Department:	607-832-5555
NYS Police:	518-897-2000 (Ray Brook)
	518-494-3332 (Chestertown)
	845-331-1671 (Kingston)
Lake Placid Village Police Department:	518-523-3306
Town of Shandaken Police Department:	845-688-9902
NYS Domestic Violence Hotline:	1-800-942-6906

E. ORDA will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, ORDA may suspend employees pending an investigation.

ORDA shall discuss with the victim of domestic violence the confidentiality policy and limitations thereto. (See Section VII. NYS Agencies Responsibility d – g).

Upon request, ORDA will consult with victimized employees to develop and implement individualized workplace safety plans, which may include, when appropriate, advising co-workers and, upon request, the employee's bargaining representative, of the situation; setting up procedures for alerting security and/or the police; temporary relocation of the victim to a secure area; options for voluntary transfer or permanent relocation to a new work site; change of work schedule, reassignment of parking space; escort for entry to and exit from the building; responding to telephone, fax, e-mail or mail harassment; and keeping a photograph of the abuser and/or a copy of any existing court orders of protection in a confidential on-site location and providing copies to security personnel. Plans must address additional concerns if the victim and the offender are both employed by ORDA.

ORDA shall review domestic violence and the workplace policy annually. Policy revisions and updates shall be forwarded to OPDV.

IV. Accountability for Employees Who Are Offenders

Employees who engage in the following behavior shall, in accordance with this policy, be subject to disciplinary action up to and including termination: (1) using state resources to commit an act of domestic violence; (2) committing an act of domestic violence from or at the workplace or from any other location while on official state business; or (3) using their job-related authority and/or state resources in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence.

1. In cases in which ORDA has determined that an employee has threatened, harassed, or abused an intimate partner at the workplace using state resources such as work time, workplace telephones, FAX machines, mail, e-mail or other means, said employee shall be subject to corrective or disciplinary action.

2. In cases where ORDA has verified that an employee is responsible for a domestic violence-related offense, or is the subject of any order of protection, including temporary, final or out-of-state order, as a result of domestic violence, and said employee has job functions that include the authority to take actions that directly impact victims of domestic violence and/or actions that may protect abusers from appropriate consequences for their behavior, the agency shall determine if corrective action is warranted, in accordance with existing collective bargaining unit agreements, statutes and regulations.
3. In cases where an employee intentionally uses his/her job-related authority and/or intentionally uses state resources in order to negatively impact a victim of domestic violence, assist an abuser in locating a victim, assist an abuser in perpetrating acts of domestic violence, or protect an abuser from appropriate consequences for his behavior, said employee shall be subject to corrective or disciplinary action.

V. Training

Training, training development and training technical assistance on domestic violence and its impact on the workplace will be made available by OPDV on an on-going basis. ORDA will make training available to all staff on domestic violence. Training should be required of certain staff, and strongly encouraged for others, as outlined below.

- a. The ORDA/OPDV liaison and all personnel designated to provide support for those in need of assistance should complete OPDV's one-day training on Domestic Violence and the Workplace. Training will prepare support personnel to identify possible signs and indicators of victimization, make appropriate referrals to domestic violence service providers, work with professionals to assist identified victims with safety planning, and develop individualized responses in recognition of the physical, social and cultural realities that may affect an individual victim's situation. Training will also include information on the ways in which domestic violence impacts the workplace, including the potential impact on worker productivity and the safety risks to on-site personnel and visitors.
- b. All appropriate managers, supervisors, employee assistance professionals, human resources personnel, union and labor representatives and security staff are encouraged to attend OPDV's training on Domestic Violence and the Workplace.
- c. Training on domestic violence and its impact on the workplace should be made available on a regular basis for all ORDA staff. Training would include information on the physical, social and cultural realities that may affect victims of domestic violence, the ways in which domestic violence impacts the workplace, including the potential impact on worker productivity and safety risks. When possible, OPDV-approved training materials can be integrated into existing union and management training programs, agency training programs, EAP training, Public Employer Workplace Violence Prevention Programs⁽⁴⁾ training, etc.. Training may also be provided by OPDV or a local domestic violence service provider when scheduling permits.

VI. NYS Agencies' Responsibilities⁽⁵⁾

ORDA shall set a tone communicating that domestic violence is behavior that will not be tolerated and that ORDA will actively provide information and support to employees who are victims of such abuse.

- a. ORDA shall disseminate copies of the agency's *Domestic Violence and the Workplace Policy* to all employees upon implementation and to all new employees upon hiring or appointment.
- b. All employees shall review and follow the policy and procedures set forth in this domestic violence and the workplace policy.
- c. ORDA shall, consistent with applicable law and agency policy, document all incidents of domestic violence that happen in the workplace. Such documents should be provided to the ORDA/OPDV Liaison as soon as practicable. Such documents shall be kept confidential to the extent permitted by law and agency policy and the provisions of section g detailed below.

- d. All ORDA employees providing domestic violence information and support services shall document, consistent with applicable law and policy, the number of employees who report domestic violence, the number of employees that request information/services, and the number of referrals made to domestic violence service providers. All information about employees who seek assistance shall be kept confidential to the extent permitted by law and agency policy and the provisions of section g detailed below, and documentation should not include any personal information. The number of employees seeking assistance as outlined above shall be reported to the ORDA/OPDV Liaison.
- e. All ORDA/OPDV Liaisons shall, consistent with applicable law and policy, provide information about the number and general nature of domestic violence incidents that happen in the workplace, the number of employees who report domestic violence, the number of employees that request information/services, and the number of referrals made to domestic violence service providers, with no personally identifying information, to OPDV at the time and in a manner determined by OPDV.
- f. Information related to an employee being a victim of domestic violence shall be kept confidential, to the extent permitted by law and policy, and shall not be divulged without the written consent of the victimized employee, unless ORDA determines that maintaining said confidentiality puts the victim or other employees at risk of physical harm, is required by law, or is deemed necessary to enforce an order of protection. In such circumstances where a determination has been made that maintaining confidentiality puts the victim or other employees at risk of physical harm, is required by law, or is deemed necessary to enforce an order of protection. In such circumstances where a determination has been made that maintaining confidentiality puts the victim or other employees at risk of physical harm, only those individuals (ORDA employees and/or safety and security personnel and/or rescue and first aid personnel) as deemed necessary by ORDA to protect the safety of the victim and/or other employees or to enforce an order of protection shall be given such information. ORDA shall disclose only the minimum amount of information necessary to protect the safety of the victim and/or other employees or enforce an order of protection. Where possible, ORDA should provide to the victim of domestic violence notice of the intent to provide information to other employees and/or safety personnel. It is important for ORDA to inform a victim of domestic violence of ORDA policy of confidentiality toward domestic violence information and the limitations of that policy. Nothing herein shall prevent ORDA from investigating an act or acts of domestic violence that happen with in the workplace. ORDA shall provide examples of situations where confidentiality cannot be maintained such as the following:
 - 1. Supervisors/managers may be informed about a domestic violence incident that happens in the workplace, or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee's co-workers.
 - 2. First aid and safety personnel may be informed about a domestic violence incident that happens in the workplace or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee's co-workers.
 - 3. Government officials investigating a domestic violence incident that happens in the workplace, or a report of domestic violence, shall be provided relevant information on request.
- g. ORDA shall provide a clear statement identifying the confidentiality limitations that exist to both staff providing support services and victims.

1) This definition may extend to other circumstances such as the abuse of a parent by an adult child, but the primary focus of this policy is adult, intimate partner violence.

2) Whenever possible, the domestic violence and the workplace policy should also be extended to consultants, contractors, and other non-state, on-site providers.

3) 12 NYCRR pt. 800.16 Public Employer Workplace Violence Prevention Programs

4) 12 NYCRR pt. 800.16 Public Employer Workplace Violence Prevention Programs

5) For the purpose of this order, "state agency" shall mean: (1) any state agency, department, office, board, commission or other instrumentality of the state; and (2) any public authority or public benefit corporation created by or existing under any State law, at least one of whose members is appointed by the Governor (including any subsidiaries of such public authority or public benefit corporation), other than an interstate or international authority or public benefit operation.



DEFENSE AND INDEMNIFICATION POLICY

I. Purpose and Definition.

The purpose of this Policy is to provide for the defense and indemnification of Members, officers, and employees of the New York State Olympic Regional Development Authority (ORDA).

II. General Scope of Indemnification.

ORDA shall, to the fullest extent permitted by law, indemnify any person who becomes a party to an action or proceeding by reason of the fact that they were or are a Board Member (Member), officer, or employee of ORDA, and arising out of such Member's, officer's, or employee's action(s) within the scope of their employment in the exercise or carrying out of any of ORDA's purposes and powers (Applicable Standard of Conduct), against judgments, penalties, amounts paid in settlement and reasonable expenses, including attorney's fees, actually and necessarily incurred, unless the conduct of such Member, officer, or employee, in the matters at issue in such action or proceeding, is found not to have met the Applicable Standard of Conduct.

III. Insurance.

ORDA shall, to the fullest extent permitted by law, provide defense and/or indemnification under the terms of this Policy through the purchase and maintenance of insurance procured annually as part of the ORDA program of insurance. Outside of such insurance ORDA assumes no independent obligation to indemnify any ORDA Member, officer, or employee, under the terms of this Policy. If a claim for coverage is denied by the carrier(s) of such policy or policies of insurance, ORDA shall have no independent liability for the costs associated with either the defense or indemnification of any Member, officer, or employee, in any action or proceeding against them. This policy does not create any contractual obligation on the part of ORDA in this regard.

IV. Applicability of this Article.

A. The provisions of this Policy shall inure only to Members, officers, and employees of ORDA, as defined herein, shall not enlarge or diminish the rights of any other party to an action or proceeding, and shall not impair, limit or modify the rights and obligations of any insurer under any policy of insurance.

B. The provisions of this Policy shall be in addition to and shall not supplant any indemnification by the State heretofore or hereafter conferred upon any Member, officer, or employee by Section 17 of the Public Officers Law, or otherwise.

C. This Policy shall be applicable, to the fullest extent permitted by law, to any claim for indemnification made after its adoption as a Policy Resolution of ORDA, whether the action or proceeding to which such claim relates commenced, or the matters at issue therein occurred, before or after the adoption of this Policy. It is contemplated that no subsequent amendment, supplement or repeal of this Policy which deprives a Member, officer, or employee of any substantial right or benefit conferred herein will be made applicable with respect to any claim for indemnification arising out of conduct of such Member, officer, or employee occurring or alleged to have occurred after the adoption of this Policy and prior to such amendment, supplement or repeal.



OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

VIOLENCE IN THE WORKPLACE POLICY

A. The NYS Olympic Regional Development Authority (ORDA) is committed to maintaining a safe work environment. Given the increasing violence in society in general, ORDA has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

B. All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of any ORDA operated facility without proper authorization.

C. Conduct that threatens, intimidates, or coerces another employee or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

D. Violence and threats of violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor, Department Head or Venue Manager. This includes threats by employees, as well as threats by customers, vendors, solicitors, or members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

E. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work site, contact the Police Department immediately.

F. ORDA will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, ORDA may suspend employees pending an investigation.

G. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment or expulsion from ORDA operated facilities.

H. ORDA encourages employees to bring their disputes or differences with others to the attention of their supervisors, Venue Managers or the President/CEO before the situation escalates into violence. ORDA is eager to assist in the resolution of said disputes and/or differences.



DISCRIMINATION AND SEXUAL HARASSMENT POLICY

It is the policy of the Olympic Regional Development Authority to provide and maintain a working environment free of sexual and/or any other illegal harassment, discrimination, and/or intimidation of any employee, job applicant, or non-employee. We do not accept or condone illegal discriminatory actions nor actions of sexual harassment by management or any employee of ORDA, or by non-employees.

Discrimination and sexual harassment are illegal under Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), and the New York State Human Rights Law, as amended ("Human Rights Law"), and local laws as they may apply to ORDA.

The Human Rights Law applies to all State agencies and employees, and provides very broad anti-discrimination coverage. The Law provides, in section 296.1(a), that it is an unlawful discriminatory practice "[f]or an employer or licensing agency, because of the age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status or domestic violence victim status of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment." The Law further provides, in sections 296.15 and 296.16, protections from employment discrimination for persons with prior conviction records, or prior arrests, youthful offender adjudications or sealed records.

The Olympic Authority will not tolerate any discriminatory and/or harassment of its employees which is in violation of either Title VII and/or the Human Rights Law, and will take affirmative steps to stop it. All personnel actions and conditions of employment are administered without regard to race, color, religion, national origin, age, sex, disability, pregnancy, veteran status or sexual preference, and any other protected class under Title VII and/or the Human Rights Law as they may be amended from time to time. Furthermore, sexual harassment in any form is prohibited and will not be tolerated. Anyone who engages in illegal discrimination/ harassment, or sexual harassment will be subject to discipline up to and including discharge. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other conduct, either verbal or physical, of a sexual nature that is offensive to another individual.

You have the right to make a complaint if you feel you have been discriminated against, harassed, or sexually harassed. A complaint form is attached hereto and may also be obtained from your venue payroll office or ORDA's Human Resources office. Directions on how to file a complaint and who to submit it to are contained on the form itself. An immediate investigation of the allegations will be conducted and corrective action taken where warranted. To the extent possible, this investigation will be conducted in a confidential manner that protects the identity of both the person filing the complaint and the person accused.

If it is determined that an employee is guilty of harassing another employee, or non-employee, appropriate disciplinary action will be taken against the offending person.

ORDA prohibits any form of retaliation against any employee who files a bona fide complaint or witnesses assisting in an investigation.

You may request further information about the policy and procedure for investigating claims of sexual harassment and/or discrimination from the Human Resource Office.

HOW TO FILE A COMPLAINT

Internal:

Governor's Office of Employee Relations (see attached form) <http://www.orda.org/corporate/contact.php>

External:

NYS Division of Human Rights

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment (three years for claims of sexual harassment). If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Filing a complaint via ORDA's complaint procedure does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov. You may also contact DHR at (888) 392-3644 or visit www.dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Equal Employment Opportunity Commission (EEOC)

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-6694000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

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



Governor's Office of Employee Relations
 Anti Discrimination Investigations Division
 Empire State Plaza
 Agency Building 2
 Albany, New York 12223
antidiscrimination@goer.ny.gov

New York State Employee Discrimination Complaint Form

Instructions: Use this form to file a claim of discrimination based on race, color, national origin, creed/religion, age, disability, military status, arrest/criminal conviction record, marital/familial status, predisposing genetic characteristics, pregnancy and related conditions, domestic violence victim status, gender/sex, sexual harassment, sexual orientation, gender identity, and/or retaliation.

Complete and return this form to the **Governor's Office of Employee Relations, Anti Discrimination Investigations Division.**

Section 1: Complainant Information

Full Name Preferred Email Address (for complaint related communications)

Agency/Employer Title/Business Unit/Facility Work Schedule (days/hours)

Work Location/Address Work Phone #

Home Address Personal Phone #

Section 2: Supervisory Information

Immediate Supervisor Name Title

Work Location/Address Work Phone #

2nd Level Supervisor Name Title

Work Location/Address Work Phone #

Section 3: Details of Claim

1. Your claim of discrimination is based upon (check all that apply):

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Age | <input type="checkbox"/> Marital/Familial Status | <input type="checkbox"/> Gender/Sex |
| <input type="checkbox"/> Color | <input type="checkbox"/> Disability | <input type="checkbox"/> Predisposing Genetic Characteristics | <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Military Status | <input type="checkbox"/> Pregnancy and Related Conditions | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Creed/Religion | <input type="checkbox"/> Arrest/Criminal Conviction Record | <input type="checkbox"/> Domestic Violence Victim Status | <input type="checkbox"/> Gender Identity |
| | | | <input type="checkbox"/> Retaliation (for having engaged in a protected activity) |

2. Your claim of discrimination is made against:

Name 1 Title

Agency Facility/Work Location Work Phone

Relationship to you: Supervisor Co-worker Subordinate Other → Please Specify:

Name 2 Title

Agency Facility/Work Location Work Phone

Relationship to you: Supervisor Co-worker Subordinate Other → Please Specify:

Continued --->



New York State Employee Discrimination Complaint Form

3. Date(s) discrimination occurred:

Is the discrimination continuing?

Yes No

4. Please describe the alleged discriminatory conduct and the reasons the conduct is discriminatory. Please include the names of witnesses, if any, and attach supporting documentation, if available. Attach additional pages, if necessary.

5. Have you filed a claim regarding this complaint with a federal, state, or local government agency?

Yes No

6. Have you instituted a legal suit or court action regarding this complaint?

Yes No

7. Have you hired an attorney with respect to the allegations in the complaint?

Yes No

8. This complaint form was completed by:

- Complainant
- Supervisor/Manager
- Affirmative Action Administrator

Signature

Date

Return the completed form (by email or mail) to
the Governor's Office of Employee Relations, Anti
Discrimination Investigations Division:

Empire State Plaza
Agency Building 2
Albany, New York 12223
antidiscrimination@goer.ny.gov



**Governor's Office
of Employee Relations**

Gender Identity in the Workplace: A Toolkit for New York State Employees

Course

March 2021
For Training Purposes Only

Synopsis

Overview and Disclaimer (pg 4)

Anti-discrimination and Reasonable Accommodations

Language Primer (pg 5)

Important Terms and Acronyms: From AFAB to Transitioning

Information for Supervisors and HR Personnel (pg 8)

Dress and Grooming: Everyone has the right to choose when they want to begin dressing or living in a manner consistent with their gender identity. Agencies must allow them to do so regardless of whether they take steps to make a medical or legal transition. State agencies may not require that employee dress codes, uniforms, grooming, or appearance standards differ based on gender identity, sex, or sex stereotypes. Dress codes must be applied consistently regardless of gender or gender identity.

Signage Greetings and Introductions: New York State employees look to management to model inclusive workplace culture. Supervisors and HR personnel are often considered management and are encouraged to think about ways to display inclusive behavior. This could include actions such as displaying visible literature, signs, or posters that show they are knowledgeable and open to talking about transgender and gender nonconforming (TGNC) or LGBTQ+ issues. Supervisors and HR personnel can also demonstrate inclusive workplace culture by being intentional about their greetings and introductions in person, over the phone, and/or in e-mail. Greetings that use gender-neutral language are preferred

Bathroom Facilities and Program Policies: State agencies must allow employees to use gender-separated facilities, such as bathrooms and locker rooms, and to participate in gender-separated programs consistent with their gender identity regardless of their appearance, anatomy, medical history, sex assigned at birth, or gender indicated on identification and without requiring proof of gender identity. Agencies are encouraged to provide a gender-neutral option for segregated facilities when possible. However, individuals must be allowed to use the facility or service that corresponds with their gender identity

Resumé Review and Interviews: Supervisors and HR personnel must evaluate potential employees based on their skills and qualifications for a position regardless of their gender identity or sex. It is illegal for supervisors to make decisions about employment based on sex stereotypes. During the interview process, supervisors and HR personnel should not assume an individual's gender identity or the pronouns they use based on the name listed on their résumé, their work experience in a particular field/employer, and/or the way they look during the hiring and interview process. The only way to know an individual's gender identity or the pronouns they use is if they tell you. During the interview process, it is appropriate to use the individual's name until you know the correct pronouns to use. Deliberate misuse of pronouns or names is unlawful discrimination. Interviewers can introduce themselves with their pronouns to normalize this discussion.

Employment ID, Records, and Systems: Employees may wish to change the name associated with systems used for their employment. Some changes can be made without a name change court order. If an employee without a name change court order asks about changing their name in various employment systems, the supervisor or HR personnel should advise the employee of which systems can be changed without an order. HR personnel should be able to update items such as a website, organizational charts, agency intranet, name placards, and mailing lists without encountering barriers related to the name change.

Medical Leave and Confidentiality: Transgender and gender nonconforming (TGNC) individuals may request time off from work for medical reasons related to their TGNC status. In keeping with appropriate behavior towards all personnel, supervisors should permit the use of appropriate leave for TGNC individuals to attend appointments and rehabilitation related to their gender identity or transition. Supervisors should treat time off for medical appointments, procedures, rehabilitation, and reasonable accommodations in the same manner as requests for other health or medical conditions. If another employee asks about a transgender individual's absence while they are undergoing medical treatment, supervisors and HR personnel should answer the question like any other question about leave. For example, a supervisor could say, "They are on leave until X date and, as with any medical leave, it's not appropriate to discuss why."

Transition Planning: Employees who decide to transition or use a new name, gender pronoun, and/or affirm a new gender identity have a right to do so and receive support from management. Supervisors and HR personnel should proactively discuss how their agency handles transition planning with agency leadership, rather than wait for an employee to approach them with questions.

What Not to Do: Outing an individual, forcing an individual to discuss or explain their transition with other employees; forcing an employee to act in ways inconsistent with their gender or gender identity; continuing to intentionally refer to an individual using a different name or pronoun than what the employee has stated what they would like to be called.

Serving Transgender and Gender Nonconforming Customers (pg 14)

Greetings and Communications: Many common terms used to address individuals and groups are gendered. Using these terms can result in misgendering or excluding people, especially those who are part of the transgender and gender nonconforming (TGNC) communities.

Forms, Promotional Materials, Written Materials, and Signage: Many agencies use standardized forms of communication to interact with customers. Agencies need to review all standardized documents, templated language, and signage to ensure that it is inclusive of people of different genders. A key aspect of customer service is that services are provided in a relevant, inclusive, and appropriate manner. Your agency's ability to provide excellent customer service is impaired when its language is not reflective of the communities it serves.

Gender Segregated Facilities: Some New York State agencies provide facilities or services that are segregated by sex or gender. Whenever possible, agencies are encouraged to provide a gender-neutral option for these segregated facilities. NYS law requires that individuals be allowed to use the facility or service that corresponds with their gender identity. For example, a person who identifies as a transgender man must be permitted to use a men's bathroom regardless of their gender presentation or expression. If a person asks for assistance or directions in accessing gender-separated services or facilities, you should ask the person which service or facility they want to use and provide guidance based on their response.

Personal vs. Professional Values: Discrimination against an individual based on a protected class status is illegal. Transgender and gender nonconforming (TGNC) individuals are members of a protected class. Therefore, while New York State recognizes each employee's right to hold their own beliefs or opinions, employees are prohibited from acting in a discriminatory manner. Employees also must not allow their beliefs or opinions to impact their ability—or their colleagues' abilities—to perform their job duties.

Everyday Language: Do not assume a person's gender, gender identity, or pronouns. Use the name and pronoun the customer provides to you. Intentionally using an incorrect pronoun or name may be harassment or discrimination. It is not possible to know if someone is transgender, gender nonconforming, and/or nonbinary unless they tell you. You should apply these best practices to ensure you are serving all customers in a respectful and inclusive manner.

Names and Pronouns (pg18)

The way you address people can have a significant impact on whether your interactions are viewed as positive and respectful. For people who are transgender, gender nonconforming, or nonbinary, this topic often has a more significant impact because they are more frequently addressed or referred to incorrectly. You should stay informed about terms and vocabulary used to address others.

Appropriate Pronoun Use: Some people find it confusing or uncomfortable to discuss pronouns. Many people have been exposed to only two options—he and she—and have believed those two options had very specific meanings. This belief was that people classified as male or assigned a male gender used the pronoun he and people who classified as female or assigned a female gender used the pronoun she. As our understanding of sex and its relation to gender shifts, so does the language that we use. The three most commonly used pronouns to refer to individuals are he, she, and they. Some people may consistently use only one of these pronouns; others may use several pronouns to best reflect their identity.

How to Be an Ally (pg 24)

The term *ally* can refer to being a supporter or advocate for any protected class or marginalized group, such as the lesbian, gay, bisexual, transgender, or queer (LGBTQ+) communities. For the purposes of this Toolkit, allyship specifically references being an ally to the transgender and gender nonconforming (TGNC) communities. Being an ally means using inclusive language and showing respect for members of the TGNC communities through your actions and words.

Transition Planning and Assistance for TGNC Employees (pg 30)

If you decide to transition or use a new name, gender pronoun, and/or affirm a new gender identity, you have a right to do so and receive support from your employer. You have a right to express your gender or gender identity through your clothing style, grooming habits, and name and pronoun choice. While you have a right to keep information regarding your transition confidential, you are encouraged to provide information, including education, to co-workers and key personnel to the extent you feel comfortable.

Additionally, once you are comfortable disclosing information about your gender identity, expression, use of a new name or pronoun, or transition, you are encouraged to inform key personnel so they are better able to support you. Your first point of contact may be your supervisor, a HR professional, or another manager. You may also consider talking to a supportive co-worker who can work with you to develop a workplace transition plan.

EAP: 1-800-822-0244 (Statewide)

Overview and Disclaimer

It is the policy of the state of New York to provide for and promote equal opportunity in employment and equal access to all programs and services without discrimination on the basis of age, race, color, national origin, sex, sexual orientation, gender identity, creed, military status, disability, marital status, domestic violence victim status, predisposing genetic characteristics, arrest record, previous conviction record, and any other status or condition protected by law.

Reasonable accommodations are available, upon request, in all aspects of state training, consistent with the Americans with Disabilities Act and the New York State Human Rights Law, to ensure that every individual is able to gain maximum benefit from the training experience.

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It is important that New York State employees are informed about the protections in place for transgender and gender nonconforming (TGNC) individuals. You should be aware of best practices for addressing changing workplace policies and cultures that relate to our TGNC colleagues and customers. This Toolkit will help you get started.

Language Primer: Terms, Definitions, and Acronyms

Language evolves, and it can be challenging to keep up with terms, phrases, and acronyms. This language primer is not intended to be an exhaustive list. It is intended to provide you with a basic understanding of commonly used terms relating to the transgender and gender nonconforming (TGNC) communities. You should use this resource to ensure that TGNC customers and employees are identified, described, and addressed in an accurate manner. It is a best practice to use the language that individuals use to describe themselves.

AFAB (adj.): Acronym meaning "assigned female at birth." Sex classification at birth is usually based on physical anatomy, genitalia, and karyotyping (genetic testing).

Agender (adj.): An umbrella term that includes many different genders of people who identify as having no gender or having a gender that they describe as neutral. Many agender people also identify as transgender.

AMAB (adj.): Acronym meaning "assigned male at birth." Sex classification at birth is usually based on physical anatomy, genitalia, and karyotyping (genetic testing).

Binary (adj.): A system of viewing gender as consisting of two, opposite categories, termed "male and female," in which no other possibilities for gender or anatomy are recognized.

Birth name (noun): A term used by people who have changed their name to reference the name they were given at birth. Many members of the TGNC communities do not like to have their birth name referenced and find it to be upsetting and disrespectful for others to do so (see Deadname).

Cisgender (adj.): A term used to describe a person whose gender identity aligns with what is expected of them in their culture based on the sex assigned to them at birth. The prefix cis- means "on this side of" or "not across."

Coming out (verb): The process by which an individual chooses to share their sexual orientation or gender identity with others.

Deadname (noun): A term used by some people who have changed their name to reference the name they were given at birth (see Birth name). Many members of the TGNC communities do not like to have their deadname referenced and find it to be upsetting and disrespectful for others to do so.

Enby (adj./noun): An abbreviated term to refer to someone who is nonbinary. The term originates from the phonetic sound of the initials NB.

Gender (noun): A term referring to the socially constructed system of categorizing people according to a range of characteristics often associated with masculinity or femininity. These characteristics may include social structures, attitudes, feelings, behaviors, and/or appearance. Different cultures and societies have different understandings of gender.

Gender Affirming Treatment/Health Care (noun): Any number of treatments including use of hormones or surgeries to change a person's characteristics or appearance to better reflect their gender identity.

Gender Expression (noun): External appearance of one's gender identity, usually expressed through behavior, clothing, haircut, and/or voice. It may or may not conform to socially defined behaviors and characteristics typically associated with the sex assigned to an individual at birth.

Gender Fluid (adj.): A person whose gender identity and presentation shifts or is not fixed.

Gender Identity (noun): An individual's concept of self as male, female, a blend of both, or neither. One's gender identity can be the same or different from their sex assigned at birth. An individual's gender identity may be consistent for their whole life or may change over time.

Gender Nonconforming (adj.): A broad term referring to people who do not behave in a way that conforms to traditional or societal expectations of their gender. It also includes people whose gender expression does not fit neatly into any one category. Expectations of gender vary across cultures and have changed over time.

Genderqueer (adj.): A term that a person may use to describe themselves as having a gender identity and/or gender expression that falls outside of cultural or societal expectations for their assigned sex. A person who does not identify as male or female, or who identifies as a combination of different genders, may also use this term. Some use genderqueer as an umbrella term. Individuals also use it to express their identity.

LGBTQ+ (adj.): An acronym commonly used to represent the lesbian, gay, bisexual, transgender, and queer communities. Other variations exist, including LGBT and LGBTQIA (referring to intersex and asexual). They all refer to the communities of people who do not identify as heterosexual, do not identify as cisgender, or do not identify as either.

Misgendering (verb): Attributing a gender to someone that is incorrect or does not align with their gender identity.

Nonbinary (adj.): An adjective describing a person who does not identify solely as a man or a woman, but may identify as both, as a combination, and/or as another gender. Many nonbinary individuals also identify as transgender, but some do not.

Out (adj/verb): The status of making one's sexual orientation or gender identity known to others. An individual may choose to be out in some situations (such as among friends), but not others (such as at work). Examples: I am generally out at work (adj). I don't want someone to out me in a religious setting (verb).

Outing (verb): The act of exposing someone's lesbian, gay, bisexual, or transgender identity to others without their permission.

Queer (adj.): The term queer can include a variety of sexual orientations and gender identities that are anything except heterosexual and cisgender. In the past, the word queer was used to hurt and insult people. Some people find it offensive, particularly those who remember when the word was used in a painful way. Others use the word with pride to identify themselves. If you are unsure if it is appropriate to use queer to describe a person or a group of persons, ask them what label(s) they use for themselves.

Sex (adj.): The classification of people as male, female, or intersex, based on physical anatomy, genitalia at birth, and/or karyotyping. One's sex does not determine their gender, gender identity, or gender expression.

Sexual Orientation vs. Gender Identity: Sexual orientation refers to an individual's attraction to another person romantically, emotionally, and sexually. Common sexual orientations include heterosexual (straight), gay, lesbian, bisexual, and asexual.

Sexual orientation is different than gender identity. Sexual orientation is about who you want to be with. Gender identity is about who you are. This means that being transgender is not the same thing as being gay, lesbian, or bisexual, although some transgender individuals also identify as gay, lesbian, bisexual, queer, or asexual. Every individual has both a sexual orientation and a gender identity.

TGNC (adj.): An acronym used to refer to people who fall under the trans and gender nonconforming umbrella. This term can include people who are nonbinary, gender fluid, or genderqueer.

Trans (adj.): An abbreviated term commonly used to reference transgender individuals.
(See Transgender.)

Trans feminine (adj.): An umbrella term that describes anyone who identifies as more feminine than masculine, where that identification is different than societal or cultural expectations based on their sex assigned at birth. This term may include some trans women as well as nonbinary people or people who identify with another gender.

Trans masculine (adj.): An umbrella term that describes anyone who identifies as more masculine than feminine, where that identification is different than societal or cultural expectations based on their sex assigned at birth. This term may include some trans men as well as nonbinary people or people who identify with another gender.

Transgender man or trans man (noun): An individual who identifies as a man and who was assigned a different gender at birth. Trans men may also use the term female-to-male (FTM or F2M) to describe their identity, but trans man is used more frequently because it respects the individual's current identity rather than a previous one.

Transgender woman or trans woman (noun): An individual who identifies as a woman and who was assigned a different gender at birth. Trans women may also use the term male-to-female (MTF or M2F) to describe their identity, but trans woman is used more frequently because it respects the individual's current identity rather than a previous one.

Transgender (adj.): An umbrella term for people whose gender identity and/or expression is different from cultural expectations based on their sex classification. Transgender is often abbreviated to trans. Being transgender does not imply any specific sexual orientation. Transgender people may identify as straight, gay, lesbian, bisexual, et cetera.

Transitioning (verb): The processes by which an individual changes from one gender to another. There are three general aspects to transitioning: social (e.g., name, pronouns, interactions), medical (e.g., hormones, surgery), and legal (e.g., gender marker, name change). A trans individual may pursue any combination, or none, of these as part of their transition.

Information for Supervisors and Human Resources Personnel

While it is expected that all New York State employees will treat their transgender and gender nonconforming (TGNC) colleagues appropriately, supervisors and Human Resources personnel have even greater responsibilities. They play a critical role in providing guidance to TGNC individuals and ensuring that policies regarding TGNC individuals are enforced.

Dress and Grooming Policies

Dress codes, grooming practices, uniforms, appearance standards, and choice of clothing may be important for transgender and gender nonconforming (TGNC) employees to affirm their gender identity and expression. Additionally, if an individual is beginning to transition, they may start to dress, live, and act in accordance with the gender with which they identify prior to undergoing any gender-affirming medical treatment. Everyone has the right to choose when they want to begin dressing or living in a manner consistent with their gender identity. Agencies must allow them to do so regardless of whether they take steps to make a medical or legal transition.

State agencies may not require that employee dress codes, uniforms, grooming, or appearance standards differ based on gender identity, sex, or sex stereotypes. Dress codes must be applied consistently regardless of gender or gender identity.

Example: Rae identifies as a lesbian woman. She usually wears a button-down shirt and dress pants to work. One day, Rae wears a button-down shirt with a skirt. When she gets to the office, her co-workers make comments about her "interesting new look" and uncomfortably stare at her legs. Rae feels that this might be because of her leg hair. Later that day, Rae's supervisor calls her into his office. He tells her that she should not wear a skirt unless she shaves her legs because it is "unprofessional."

Rae's supervisor is imposing a different grooming policy on Rae based on her gender. His idea of professionalism is based on the sex stereotype that women should not have body hair. Supervisors should apply policies about appearance and grooming standards equally, regardless of gender, gender identity, sex, or sex stereotypes. State agencies are encouraged to evaluate their dress code, uniform, grooming, and/or appearance policies and determine if the policies are necessary for the job position.

Example: Jesse is a transgender man who works in a job with two slightly different sets of uniforms; one set is usually issued to men and the other is usually issued to women. When Jesse requests to wear the "men's" uniform, his supervisor says "of course" and promises to follow up. The supervisor then informs Jesse that she is sorry, but they do not make the men's uniform in a size small enough for him. She then says that the differences between the two sets of uniforms are not that noticeable. The supervisor asks Jesse if he would be willing to wear the women's uniform instead.

Agencies may provide different uniform options for employees, such as one uniform shirt that is styled like a blouse and another that is styled like a button-down. However, it is prohibited to require an employee to wear one style over another because of gender, sex, or sex stereotypes. In general, each uniform style should be available to all employees regardless of gender identity. State agencies must allow employees to dress consistently with their gender identity. Agencies may need to special order specific sizes for employees if they do not have them available.

Signage, Greetings, and Introductions

New York State employees look to management to model inclusive workplace culture. Supervisors and Human Resources personnel are often considered management and are encouraged to think about ways to display inclusive behavior. This could include actions such as displaying visible literature, signs, or posters that show they are knowledgeable and open to talking about transgender and gender nonconforming (TGNC) or LGBTQ+ issues.

Supervisors and Human Resources personnel can also demonstrate inclusive workplace culture by being intentional about their greetings and introductions in person, over the phone, and/or in e-mail. Greetings that use gender-neutral language are preferred.

Another best practice is for supervisors and Human Resources personnel to consider providing their own gender pronouns during introductions; this demonstrates and normalizes the importance of using correct pronouns in the workplace. For example, "My name is Jenny. I work in the Human Resources department, and I use the pronouns she/her/hers." Including gender pronouns in meeting introductions should always be optional since it can force transgender employees to out themselves.

It is a violation of the State's antidiscrimination policy to refuse to refer to an individual by their name and designated pronouns. It is also a violation of the State's Human Rights Law to deliberately not refer to an individual by their requested name and pronouns with or without a legal name change.

See <https://dhr.ny.gov/genda>.

For more information on the topic of gender-neutral greetings and introductions, see *Serving Transgender and Gender Nonconforming Customers*.

Bathrooms, Facilities, and Program Policies

State agencies must allow employees to use gender-separated facilities, such as bathrooms and locker rooms, and to participate in gender-separated programs consistent with their gender identity regardless of their appearance, anatomy, medical history, sex assigned at birth, or gender indicated on identification and without requiring proof of gender identity. Agencies are encouraged to provide a gender-neutral option for segregated facilities when possible. However, individuals must be allowed to use the facility or service that corresponds with their gender identity. Failure to permit this is an unlawful discriminatory practice under the State's Human Rights Law.

Consistent with a recently-enacted law, all single occupancy bathrooms in State-owned or -operated buildings and office spaces are required to be gender neutral. Agencies having single occupancy bathrooms that are not signed as gender neutral should contact the Office of General Services for new signage.

Example: Charlie identifies as nonbinary and uses the pronouns they/them/theirs. The only gender-neutral bathroom at their worksite is on a different floor. Charlie chooses to use the nearby women's bathroom because that is where Charlie feels the safest. One day, a new colleague enters the bathroom and gasps. Looking at Charlie, she asks, "Am I in the right bathroom?" Later, she complains to Charlie's supervisor about there "being a man in the women's bathroom." The supervisor calls Charlie into her office and asks Charlie if they can use the gender-neutral bathroom from now on because other employees are uncomfortable using the same bathroom as them. When Charlie refuses, the supervisor says, "What does it say on your driver's license? Show me some proof and then you can use the women's bathroom."

The supervisor should not have asked Charlie to use the gender-neutral bathroom because another employee was uncomfortable. Charlie has a right to use the bathroom most consistent with their gender identity and safety, regardless of appearance, anatomy, medical history, sex assigned at birth, or gender

shown on identification. Supervisors cannot require proof of gender identity before allowing an individual to use a gender-separated facility or program. Furthermore, State agencies can make gender-neutral bathrooms accessible to all employees without logistical barriers, such as significant travel time to another floor, department, or building.

The agency cannot require a transgender and gender nonconforming (TGNC) person to use a different bathroom to accommodate a complaining employee or customer. If an individual expresses discomfort with sharing a gender-separated facility, the agency may accommodate that individual by allowing them to use a single-occupancy facility, such as a family-style or accessible bathroom.

The Governor's Office of Employee Relations can answer any questions concerning facilities or bona fide occupational qualifications for a position.

Résumé Review and Interview Process

Supervisors and Human Resources personnel must evaluate potential employees based on their skills and qualifications for a position regardless of their gender identity or sex. It is illegal for supervisors to make decisions about employment based on sex stereotypes.

During the interview process, supervisors and Human Resources personnel should not assume an individual's gender identity or the pronouns they use based on the name listed on their résumé, their work experience in a particular field/employer, and/or the way they look during the hiring and interview process. The only way to know an individual's gender identity or the pronouns they use is if they tell you. During the interview process, it is appropriate to use the individual's name until you know the correct pronouns to use. Using incorrect pronouns or misgendering a candidate could make the applicant view the agency as a disrespectful place of employment. Deliberate misuse of pronouns or names is unlawful discrimination. Interviewers can introduce themselves with their pronouns to normalize this discussion. For more information on pronoun use, please see Names and Pronouns: Talk to Me.

Employers should be aware that transgender and gender nonconforming (TGNC) employees may have records that do not match their current name or gender, such as college transcripts, military service records, or professional certifications, because these are often difficult or impossible to change.

Additionally, when making an offer of employment, it may be appropriate to proactively ask the employee how they want their name listed on workplace identification, such as a company directory or nameplate.

Example: Sal is a cisgender woman who applies for an executive assistant position. She attends the interview with her hair cut short, no make-up or jewelry, and wearing a suit, tie, and wingtip shoes. After Sal greets the receptionist at the front desk, she hears the receptionist ask the management team, "Are you ready for your 3:00 candidate? He's here at the front desk."

The receptionist assumes Sal's pronouns and gender identity based on Sal's gender presentation and appearance. Determining how to address an individual and what pronouns to use should be based on the name and pronouns expressed by the individual and never on gender identity, expression, appearance, sex stereotypes, or transgender status.

Employment Identification, Records, and Systems

Employees may wish to change the name associated with systems used for their employment. Some changes can be made without a name change court order. Here are examples of items that can be changed without a court order and examples of items that require one.

No Court Order Required	Court Order Required
E-Mail Address	State ID
SLMS E-Mail Address	Driver's License
Name Placard	Payroll Forms
Website Pages/Directories	Tax Forms
Organizational Charts	LATS
Mailing Lists	Health Insurance
	Retirement Benefits
	SLMS Account Information

If an employee without a name change court order asks about changing their name in various employment systems, the supervisor or Human Resources personnel should advise the employee of which systems can be changed without an order. Human Resources personnel should be able to update items such as a website, organizational charts, agency intranet, name placards, and mailing lists without encountering barriers related to the name change.

To change an e-mail address, the employee should send a help desk ticket to ITS stating that they are requesting a name change. No documentation is needed for an individual to change the name associated with their government e-mail address.

To change the e-mail address associated with their Statewide Learning Management System (SLMS) account, the employee can log in to their SLMS account and update the address in their profile. No documentation is needed to make this change. The name and gender marker used in the SLMS system are generated based on information in NYS Payroll. It cannot be updated until payroll records have been updated.

If an employee has a name change court order, Human Resources personnel can process changes as they would any other name change. Agencies hosted by the Business Services Center (BSC) at the Office of General Services can have employees submit a Personal Data Change Form to BSC to begin the process.

Once an employee has obtained a name change court order, they will need to apply for new identification documents (e.g., driver's license, birth certificate, Social Security card, passport) if they have not already done so. The requirements can be found on each agency's websites:

[New York State Department of Motor Vehicles](#)

[New York State Department of Health](#)

[Social Security Administration](#)

Refusing to change employment records to the lawful name of a transgender person is unlawful discrimination.

Medical Leave and Confidentiality

Transgender and gender nonconforming (TGNC) individuals may request time off from work for medical reasons related to their TGNC status. In keeping with appropriate behavior towards all personnel, supervisors should permit the use of appropriate leave for TGNC individuals to attend appointments and rehabilitation related to their gender identity or transition. Supervisors should treat time off for medical appointments, procedures, rehabilitation, and reasonable accommodations in the same manner as requests for other health or medical conditions.

If another employee asks about a transgender individual's absence while they are undergoing medical treatment, supervisors and Human Resources personnel should answer the question like any other question about leave. For example, a supervisor could say, "They are on leave until X date and, as with any medical leave, it's not appropriate to discuss why."

New York State agencies provide health benefit plans that cover gender-affirming or transition-related care. Employees with specific questions about what their health insurance covers can contact the agency's health benefits administrator or the insurance plan. They can also check the summary of benefits and coverage available on the Department of Civil Service website. Information related to medical leave or health insurance must be kept confidential.

In addition to discussing medical leave or insurance requests, TGNC employees have the right to discuss their gender identity or expression and to have that information kept private. Employees have the right to decide when, with whom, and how much of their private information to share, including information about their gender identity, expression, sex assigned at birth, transgender status, and medical history. This information can constitute confidential medical information that is protected under various state and federal laws including, but not limited to, the Americans With Disabilities Act, the Family and Medical Leave Act, and New York Labor Law.

Supervisors, Human Resources personnel, and co-workers cannot share information that may reveal an employee's confidential medical information to others. Any supervisor, Human Resources personnel, or co-worker must obtain the TGNC employee's consent prior to disclosing any confidential information. Gossip or speculation about an individual's gender identity is inappropriate and may be an unlawful discriminatory practice.

Transition Planning: Guidance for Supervisors and Human Resources Personnel

Employees who decide to transition or use a new name, gender pronoun, and/or affirm a new gender identity have a right to do so and receive support from management. Supervisors and Human Resources personnel should proactively discuss how their agency handles transition planning with agency leadership, rather than wait for an employee to approach them with questions.

Supervisors and Human Resources personnel may be the first point of contact for an individual who feels comfortable disclosing information about their gender identity, expression, use of a new name or pronoun, and/or transition. In these situations, keep in mind that the employee's needs may change over time. To address their initial needs, the employee may develop a plan that includes several components. Supervisors and Human Resources personnel must be prepared to help the employee with:

- Identifying stakeholders, such as supervisors, coworkers, or constituents who the employee may need to engage in the process;
- Creating a communication and timing plan;

- Working with the employee to identify which workplace records, systems, and/or forms of identification need to be changed. See Employment Identification, Records, and Systems for more information;
- Determining the date on which the employee wants to begin using a new name or presenting themselves in a manner consistent with their gender identity;
- Identifying periods where the employee may need to use leave or may need reasonable accommodations due to gender identity, expression, transitioning, or transgender status;
- Identifying any specific areas of high priority or concern that require immediate attention; and
- Identifying a main point of contact for communications (i.e., will it be the employee or a member of their support team?).

Supervisors and Human Resources personnel should work with the employee to create a plan that works for them and the agency. The plan may include a legal name change or may only include changes that can be made without a legal name change. It is important to be aware that each individual has a different experience, that their experience and needs may change over time, and that Human Resources personnel should help them transition in the workplace as easily as possible.

Supervisors and Human Resources personnel wanting further guidance may also wish to contact the Employee Assistance Program (EAP). EAP is a confidential, worksite-based program designed to help State employees with the everyday issues involved in balancing work and life as well as more serious problems that may impact work performance. EAP services are confidential, voluntary, and offered at no cost to employees and their families. EAP coordinators consult with management, supervisors, and union leaders about workplace issues, the benefits of early referral to EAP, and how to make a referral.

Employee Assistance Program: 1-800-822-0244

What Not to Do

Certain actions are never acceptable in response to an employee transitioning in the workplace and may be a violation of the law. Examples include:

- **Outing an individual.** Information about an employee's gender identity, gender expression, sex assigned at birth, previous name or gender pronouns, transition, medical information, reason for medical leave or accommodations, and/or transgender status should not be shared without the employee's consent. Supervisors or Human Resources personnel may learn about an employee's transgender status or medical information during the normal course of business; this information may constitute confidential medical information that is protected under State and federal law. It should always be kept confidential.
- **Forcing an individual to discuss or explain their transition with other employees.** An individual cannot be required to discuss or explain their transition, gender identity, expression, and/or transgender status. It is never appropriate to force a transgender employee to educate other employees about their identity. Managers and Human Resources personnel should consider providing training opportunities to employees who need more information.
- **Forcing an employee to act in ways inconsistent with their gender or gender identity.** Employees have the right to use the name, pronouns, title, bathroom, and facility that aligns with their gender identity. They also have a right to dress in accordance with their gender identity and agency policy.

- **Continuing to intentionally refer to an individual using a different name or pronoun than what the employee has stated what they would like to be called.** This could constitute unlawful discrimination.

Please review the [New York State Equal Employment Opportunity Handbook](#) for more information on employee rights and responsibilities.

Serving Transgender and Gender Nonconforming Customers

All New York State agencies and offices should strive to provide outstanding, inclusive, and accessible service to its customers. It is important to routinely examine the ways in which the agency interacts with its customers and make any necessary modifications. This topic provides guidance on how to do so.

Greetings and Communication

Many common terms used to address individuals and groups are gendered. Using these terms can result in misgendering or excluding people, especially those who are part of the transgender and gender nonconforming (TGNC) communities. The following suggestions include best practices for greeting and communicating with others in a respectful and inclusive manner:

E-mail: When communicating by e-mail, it is common to use terms like Mr. Smith or Mrs. Martinez instead of first names. However, if the individual has not yet introduced themselves to you using a formal prefix (e.g., Mr. or Mrs.), it is not appropriate to assume. You should use the person's full name or a greeting that omits a gendered description.

A customer sends an e-mail to your agency asking about your services and signs the e-mail Charlie Morris. When responding to the e-mail, the following introductions are examples of ways to respectfully address Charlie without assuming their gender:

- Dear Charlie Morris
- Dear Valued Customer
- Good Afternoon
- Thank you for contacting us

Speaking to a person or group of people: When beginning a conversation with a group of individuals, use greetings that are not gendered. For example, terms such as ladies and gentlemen, guys, or ladies can exclude or misrepresent people. Instead, you can use the following greetings to create an inclusive, welcoming introduction:

- Good afternoon/good morning
- Hello and welcome
- Greetings to you all
- Good morning/afternoon, folks
- Good morning/afternoon, everyone

When addressing an individual for the first time, you should avoid assuming a gendered designation, such as Mr., Mrs., sir, or ma'am, and use the name they provided instead.

Speaking about a person or group of people: Your job may require you to speak about a person. For example, if a customer has an appointment with someone in your agency, you might contact your

colleague to inform them that the person has arrived. When speaking about someone, avoid using gendered language to describe the person if you do not know their gender. You should use the person's name instead of using a gender marker (e.g., "Sam Walker is here for an appointment," instead of "Mr. Walker is here for an appointment.") For a more thorough discussion of pronoun use, see Names and Pronouns.

Remember, deliberate misuse of pronouns, prefixes, or names is unlawful discrimination.

Forms, Promotional Materials, Written Materials, and Signage

Many agencies use standardized forms of communication to interact with customers. Agencies need to review all standardized documents, templated language, and signage to ensure that it is inclusive of people of different genders.

A key aspect of customer service is that services are provided in a relevant, inclusive, and appropriate manner. Your agency's ability to provide excellent customer service is impaired when its language is not reflective of the communities it serves. The following are some best practices that your agency may consider. These practices are not required and may be changed to fit your agency's population or operational constraints.

Standardized Forms: Best practices for intake forms, questionnaires, surveys, evaluations, or any standardized form that gathers demographic information include:

- If necessary to inquire about a person's gender or gender identity:
 - Use an open-text space and allow people to write in their choice
 - Include options such as male, female, nonbinary, transgender, do not wish to disclose, or not listed here. Allow respondents to select multiple options.
- If asking about a prefix:
 - First, determine if a prefix is necessary
 - If it is, include Mr., Mrs., Ms., Miss, Mx., none, and not listed with an option to fill in
- If asking about a relationship:
 - Include options such as husband, wife, partner, spouse, none, do not wish to disclose, and not listed with an option to fill-in

Written Materials: Review all written agency materials including documents, forms, letters, memos, and curricula, to identify appropriate use of pronouns. Whenever possible, use the gender-neutral pronoun they instead of singular gender pronouns (he or she, his or her) or a combined approach. The gender-neutral they is commonly used in verbal communication and is grammatically correct. It is also reflective of many people's existing speech habits. Instead of his or her, you can also use the individual or the person.

Preferred language examples: When a customer enters your agency, you should ask how you can help them. When a customer enters your agency, you should ask the individual how you can help.

Non-preferred language example: When a customer enters your agency, you should not ask how you can help him or her.

Promotional Materials: If your agency uses posters, flyers, or other methods of advertisement, ensure the language is inclusive of diverse genders and gender identities. Additionally, you should consider the

images used to represent your customer base. Images should reflect the diversity of New York State and include individuals who are part of the transgender and gender nonconforming (TGNC) communities.

Gender Segregated Facilities

Some New York State agencies use or provide facilities or services that are segregated by sex or gender. Whenever possible, agencies are encouraged to provide a gender-neutral option for these segregated facilities. New York State law requires that individuals must be allowed to use the facility or service that corresponds with their gender identity.

For example, a person who identifies as a transgender man must be permitted to use a men's bathroom regardless of their gender presentation or expression. If a person asks for assistance or directions in accessing gender-separated services or facilities, you should ask the person which service or facility they want to use and provide guidance based on their response.

Consistent with a recently-enacted law, State agencies must designate all single occupancy bathrooms in State-owned or -operated buildings and office spaces as gender neutral. Agencies with single occupancy bathrooms that are not signed as gender neutral should contact the Office of General Services for new signage.

In the event that an individual is uncomfortable sharing a gender-separated facility with a member of the transgender and gender nonconforming (TGNC) communities, the agency may accommodate that person by allowing them to use a single-occupancy facility, such as a family-style or accessible bathroom. The agency cannot require the TGNC person to use a different bathroom to accommodate the complaining person.

The Governor's Office of Employee Relations can answer questions regarding other facilities.

Personal vs. Professional Values

Discrimination against an individual based on a protected class status is illegal. Transgender and gender nonconforming (TGNC) individuals are members of a protected class. Therefore, while New York State recognizes each employee's right to hold their own beliefs or opinions, employees are prohibited from acting in a discriminatory manner. Employees also must not allow their beliefs or opinions to impact their ability—or their colleagues' abilities—to perform their job duties.

Your job duties may include providing high-quality customer service to all customers, including those who are members of a protected class. All New York State employees must follow State guidelines and perform their job functions without discriminating against customers based on TGNC or any other protected class status.

Example: Christine recently began living in accordance with her gender identity, using female pronouns she/her/hers, the name Christine, dressing in skirts, and painting her toenails. She just started receiving gender-affirming medical treatment, and some of her physical characteristics are not yet consistent with her gender identity. She is hiking in a local State park and needs to use the bathroom. She stops a ranger on the trail and asks where she can find the closest ladies' room. The ranger is surprised by Christine's request and frustrated that so many people these days seem to want to be different or make "regular folks" uncomfortable. He does not understand how a man could want to dress like a woman—and he does not want women, like his wife, to have to share a bathroom with people like this! He tells Christine, "There is a women's bathroom at the visitor center, but I think it would be best if you use one of the gender-neutral outhouses on the blue trail."

Christine has the right to use a gender-neutral bathroom if she chooses, but she also has the right to use the women's bathroom as that is the facility most consistent with her gender identity. The ranger should have provided Christine with information relating to the women's bathroom that she requested. If the gender-neutral outhouse is closer, then that may be additional information to provide; however, it is not appropriate to imply that a gender-neutral bathroom is a more suitable facility for her to use.

Everyday Language

The Names and Pronouns topic contains helpful information that explains many concepts related to the appropriate use of pronouns and names for all individuals, especially for members of the transgender and gender nonconforming (TGNC) communities. You should review that topic to learn ways to provide better customer service, including:

- Do not assume a person's gender, gender identity, or pronouns.
- Use the name and pronoun the customer provides to you. Intentionally using an incorrect pronoun or name may be harassment or discrimination.
- Name changes often take time. This means that the name a customer uses may not match the name on their identification. People should be addressed using the name they request, even if they have not completed a formal process of changing their name and the associated forms of documentation. Choosing a name can be an important part of transition and may be a continual process. If a customer requests a name that is different from the last name they requested, you should confirm the current name and make the change without comment.
- It is not possible to know if someone is transgender, gender nonconforming, and/or nonbinary unless they tell you. You should apply these best practices to ensure you are serving all customers in a respectful and inclusive manner.

Names and Pronouns: Talk to Me

The way you address people can have a significant impact on whether your interactions are viewed as positive and respectful. In most cases, people have good intentions in how they address others, but they may be afraid to ask questions out of fear of offending someone. For people who are transgender, gender nonconforming, or nonbinary, this topic often has a more significant impact because they are more frequently addressed or referred to incorrectly. You should stay informed about terms and vocabulary used to address others respectfully. This topic will provide you with information and strategies for how to respectfully address people in the workplace.

Say My Name: From Miguel to Maria and Why it Matters

Using the correct name to identify a person is an important part of showing respect. This topic will help you understand the process and significance of name changes for members of the transgender and gender nonconforming (TGNC) communities and the importance of using the correct name when addressing or referencing a person.

How, When, and Why Do Name Changes Occur?

Some people who are transgender, gender nonconforming, and/or nonbinary choose to change their name to one that better reflects the person they are. The process of changing one's name and how people announce their name change varies on an individual basis.

Example: When Jacqueline was born, her parents named her after her grandmother and painted her room pink. From a young age, Jacqueline preferred clothes and toys from the "boy's section" of stores. As Jacqueline grew older, she realized that she neither felt like a woman nor did she identify with being a woman. She also did not feel like a man. She felt somewhere in between. She started to change how she dressed and looked to reflect that feeling. After cutting her hair and starting to dress in a manner that hid her figure, Jacqueline decided that she would prefer to be called Jay because it aligned with her identity. Jay asked friends and family to call her Jay and told them that she was comfortable using the pronouns she/her/hers or he/him/his. Jacqueline made a legal name change to Jay. It took some of Jay's friends and family members time to remember to use the correct name. Over time, they became used to it and many did not remember that Jay ever used a different name.

Each person's reason and method for name and pronoun change may be different, and the outcome may have a direct effect on the mental health of the individual. An individual being called the wrong name or pronoun may experience negative mental health outcomes. It can also result in danger or violence for the individual.

While there is a specific legal process to legally change one's name, many individuals begin their transition with an informal process of simply using a different name. Some individuals change their first name to a name that better reflects their sense of self and their gender identity. Others choose a name that has a special significance, perhaps relating to a family member or mentor. Others choose a name that is similar in spelling or pronunciation to their birth name.

Example: Chris V legally changed his first and last name three years ago. Initially, Chris planned to only change his first name and maintain his last name because he was proud of his family heritage. However, Chris works in a field where being transgender is not accepted, and Chris knew that he could not safely tell his colleagues he is a transgender man. He also knew it would not be a safe work environment if any colleagues did a search of his family last name and learned he was transgender. Therefore, Chris decided to change his entire name to ensure that it would not be easy for others to use the internet to find any links between his past name and his past name and assigned gender, and his current life as a transgender man.

Some people choose to informally change their name while others choose to legally change their name. Legal name changes take time and resources. A legal change is not required for an individual to adopt a chosen name to be used when addressing them.

Once a person has decided upon a name, they need to decide how and when they will begin using that name and asking others to do the same. Some individuals prefer to change their e-mail signature or mention it one-on-one in casual meetings. Others prefer to make a more formal announcement and explain their choice and process. Some people start using a different name before changing any aspect of their physical appearance. Others wait until they are dressing differently or pursuing gender-affirming health care to begin using a new name. Others may not change their physical appearance and just wish to use a different name or pronouns.

If you are unsure of what name a person is using, approach the person in a private setting and respectfully ask what they would like to be called. Most people prefer to be asked than to be addressed incorrectly. Asking in a private space avoids accidentally outing someone or bringing attention to the use of a new name.

As with all stages of changing a name (or pronoun, which is discussed under pronouns), each person chooses how to work through this process. You should be respectful and not make assumptions about when or why an individual should or should not announce a name change.

Regardless of whether someone has legally changed their name or when they announce their name change, it is not appropriate to continue to call someone by a name they no longer use. To continue to call someone a different name than what they have requested is disrespectful, displays poor customer service, and may constitute harassment or discrimination.

Chosen Names, Birth Names, and Dead Names

Once a person has informed you of the name they use, you should use that name going forward and stop using the previous name. If this is a person whom you have known for some time, it may take you a while before you get used to the person's name; however, it is not appropriate to reference the prior name or disclose it to others. If you accidentally use the wrong name, it is best to apologize and recommit to learning the chosen name.

Many people refer to their new name as their name. However, in the context of discussing name changes, it may also be called a *chosen name*.

The name that a person was previously known by is referred to as a birth name or a deadname. There is no correct term for this type of name; each person uses the label that they feel is most appropriate.

The term *birth name* refers to the name given to the individual at birth. The term *deadname* references the feeling that the name represents a person or an identity that is no longer valid. Many people who use the term *deadname* have negative associations with that name and the identity connected with it.

Using the correct name is important for several reasons:

- It is a sign of respect to address someone by their chosen name. To intentionally call someone by the wrong name may constitute harassment or discrimination.
- Not all transgender and gender nonconforming (TGNC) people are out in the workplace. By using an incorrect name, you may out that person to colleagues that the person is a member of the TGNC communities.
- The correlation between affirming a person's gender identity and that person's mental health and emotional well-being is well documented. Using their chosen name can positively affect a person, whereas using an incorrect name can cause undue distress or harm.

Appropriate Pronoun Use

Using the correct pronouns when addressing or referencing a person is an important component of a respectful work environment and is essential for creating strong customer service. This topic will provide you with best practices for appropriate and respectful pronoun use in the workplace.

He, She, They: What's Your Pronoun?

Some people find it confusing or uncomfortable to discuss pronouns. Many people have been exposed to only two options—he and she—and have believed those two options had very specific meanings. This belief was that people classified as male or assigned a male gender used the pronoun he and people who classified as female or assigned a female gender used the pronoun she.

As our understanding of sex and its relation to gender shifts, so does the language that we use. The three most commonly used pronouns to refer to individuals are he, she, and they. Some people may consistently use only one of these pronouns; others may use several pronouns to best reflect their identity.

Some people express discomfort using the pronoun they to refer to a single person because they feel it is grammatically incorrect. While many people were taught that they is a plural pronoun, this is no longer true. As with many aspects of the English language, accepted practices evolve over time. Recently, the *Associated Press 2017 Stylebook* formally included the use of they as a singular pronoun. By including it, they recognized that many people already used the word in this manner in the following situations:

- When the person in question is unknown (e.g., "Someone left their phone in the conference room.").
- When someone who does not identify as he or she needs a pronoun to use (e.g., "Ryan asked me to review their quarterly report and provide feedback.").

Less commonly, some people will use other gender-neutral pronouns. See the examples below.

Subjective	Objective	Possessive	Reflexive	Example
She	Her	Hers	Herself	She went to the store. I spoke to her. This desk is hers.
He	Him	His	Himself	He went to the store. I spoke to him. This desk is his.
They	Them	Theirs	Themselves	They are speaking. I spoke to them. This desk is theirs.
Ze	Zir	Zirs	Zirself	Ze went to the store. I spoke with zir. This desk is zirs.
Xe	Xem	Xirs	Xirself	Xe went to the store. I spoke to xem. This desk is xirs.

Note: Ze/zir/zirs/zirself and xe/xem/xirs/zirself are both pronounced "zee/here/heres/here-self."

Example: Drew is genderqueer and uses the pronouns he/him/his and they/them/theirs. They have a buzz cut and usually wear a button-down and slacks. Drew does not feel comfortable identifying exclusively as male and appreciates when colleagues alternate between the different pronouns to refer to him. Accordingly, sometimes people use they and sometimes people use he to refer to Drew.

Example: Joe is nonbinary and does not identify exclusively with a male or female identity. As such, Joe prefers that people use both the pronouns she/her/hers and he/him/his or to use Joe's name.

Example: Shivani identifies as gender nonconforming and uses they/them/theirs pronouns. Although it is upsetting when people accidentally use the wrong pronouns, Shivani knows these pronouns are right for them and who they are.

Because there is no objective standard for determining a person's gender or pronouns, it is important not to make assumptions about the pronouns that an individual uses.

For example, a person with short hair, no make-up or jewelry, with a traditionally "masculine" style of dress might be a man who uses the pronouns he/his/him. However, this person could also be a woman who uses the pronouns she/her/hers. The person could also identify with another gender and use the pronouns he, she, they, or any combination thereof.

Best Practices for Comfortable Pronoun Usage

If you are meeting someone new and do not know their pronouns, it is best to avoid making assumptions. Respectful options include:

- Addressing a person by their name if you are unsure of what pronouns to use.
- Providing your own pronouns first (e.g., "My name is Ashley; I use she and hers.>").
- Asking respectfully in a private space what pronouns they use (e.g., "Hi Jordan, I'd like to introduce you to my colleague. What pronouns do you use?").
- Using they as a gender-neutral pronoun until you know the correct pronouns to use.

When asking someone about their pronouns, it may feel unfamiliar—or even uncomfortable—at first. While some people may be taken by surprise if asked about pronouns, many will appreciate that you asked them rather than made assumptions about their identity. At all times, it is important to be respectful to that individual.

If someone has recently started using a new pronoun or name, it is appropriate to ask them who they have shared that information with and whether they want you to call them by the new name or pronoun in all situations or only certain ones.

Individuals may want to tell people about a name change themselves or may only use the name and pronouns in situations they feel safe. If the employee indicates that they have shared this information with only you and are not ready to take further action or share it with others, then it is important to keep their information private.

If you are Human Resources personnel, it is particularly important to be aware that this information requires confidentiality and may be protected under federal and State law. When the employee has determined that they are ready to use a different name or pronouns in the presence of others, you and the employee can work together to determine the best way to share this information with others. Please see Information for Supervisors and Human Resources Personnel for more information on best practices and transition planning.

Best Practices for Correcting Pronoun Mistakes

Most people want to be respected and recognized for who they are regardless of their gender identity. It is appropriate to sincerely inquire about an employee's or a customer's name or pronoun to ensure they are being addressed correctly.

The concept of gender is more complex than the binary of male and female. The use of pronouns to be reflective of varying genders and gender identities is new to many people. As with any new idea or practice, it is common to have questions and make mistakes.

Below are some best practices if you have made a mistake:

- Apologize: A simple and sincere apology, followed by a commitment to avoid making the mistake in the future, is a good response.
 - If this occurs with someone you are just meeting, and you didn't know their correct pronouns, it is appropriate to ask and confirm their pronouns to help avoid making the same mistake in the future.
 - If this occurs because the person recently started using a different name and/or pronouns, and you used an incorrect name or pronoun out of habit, simply apologize and make a sincere effort to use the correct identifier in the future.

- Correct yourself and move forward. Repeat what you said with the right pronoun and continue the conversation.
- It is unnecessary to offer an excuse (e.g., "I'm sorry—it's hard to start thinking of you as he when I've always known you as a woman!").
- It is unnecessary to apologize profusely (e.g., "I'm so sorry, I'm so embarrassed, I never do that.").
- It is also important to avoid excessive gender identity affirmations that may come off as insincere (e.g., "Girl, I can't believe I just did that—with your nails painted and hair done—you're more of a woman than I am!").

How to Be an Ally: Affirmative Support in the Workplace

If you are a cisgender person or not a member of the transgender and gender nonconforming (TGNC) communities, you have an opportunity to show support and encourage a respectful workplace for your colleagues and customers who are TGNC by being an ally.

What Does it Mean to Be an Ally?

The term *ally* can refer to being a supporter or advocate for any protected class or marginalized group, such as the lesbian, gay, bisexual, transgender, or queer (LGBTQ+) communities. For the purposes of this Toolkit, allyship specifically references being an ally to the transgender and gender nonconforming (TGNC) communities. Being an ally means using inclusive language and showing respect for members of the TGNC communities through your actions and words.

Considerations for Allyship

It is common to want to be an ally but to be unsure of the best ways to do so. There are many ways to demonstrate allyship, but there are some concepts that are important to consider and adhere to in all situations.

Coming Out and Confidentiality

When someone chooses to come out to you as lesbian, gay, bisexual, transgender, queer, or gender nonconforming (LGBTQ+/TGNC), they are trusting you with information that is important and personal. You must be mindful that they may not have shared this information with others and may not wish to do so at this time.

The status of disclosing this information is often referred to as coming out. Members of the LGBTQ+/TGNC communities often make very careful decisions about when, how, and to whom they want to come out. The process of coming out is not a single occurrence. It is a process that occurs in different phases over time. Decisions about when and how to come out are made based on that person's assessment of their situation and what they deem to be safe and appropriate for them. For this reason, it is not appropriate to make assumptions about whether or not someone is out or to disclose their personal information to others without their consent. As an ally, you must keep the confidence of someone who has entrusted you with this information.

Open, Honest, and Respectful Communication

If someone has come out to you as being a member of the transgender and gender nonconforming (TGNC) communities, remember that respectful communication and personal boundaries are essential. This is the same as with any other colleague.

Some people find that they do not know how to respond and do not want to say the wrong thing when someone shares that they are a member of the TGNC communities. It is okay to admit that you are not sure what to say or that you need some guidance or information. The following are examples of respectful responses:

- Thank you for sharing that information with me.
- I am not sure what that means. Would you mind explaining it to me or sharing a resource where I can get more information?
- Thank you for telling me. Is there any specific thing I can do to support you?

If you ask for more information, consider the following:

- Be polite in your request.
- Understand that you may have misinformation and may need to learn new information.
- Some people may prefer that you identify your own resources to learn more about the subject.

While these conversations may initially feel uncomfortable, the content should not. All workplace discussions should adhere to a standard of professionalism. If someone shares personal or medical information about their TGNC status that makes you uncomfortable, it is appropriate to set a boundary. You can politely explain that you support them but prefer not to discuss personal details at work. Similarly, it is not appropriate to ask a colleague questions of a medical or personal nature. All employees of New York State have the right to work in an environment free from harassment and discrimination. Members of the TGNC communities have a right to set boundaries and not be put through invasive questioning.

Example: Drea recently came out to Mary as being transgender. She asked Mary to use the pronouns she/her/hers and refer to her as Drea going forward. Mary responded enthusiastically, congratulated Drea, and expressed support. She then smiled, lowered her voice, and asked, "So, are you planning to have any of the surgeries to really complete the process?" Drea likes and trusts Mary, but she is not comfortable discussing the personal details of her transition with anyone at work. She responded by saying, "Thank you for your support, Mary. I'm not comfortable discussing things of such a personal nature at work. In the future, I would appreciate it if you didn't ask questions like that."

In this example, Mary intended to express support to Drea but asked a question that was inappropriate. Drea thanked Mary for being supportive but gave feedback and set a boundary regarding the types of questions she found acceptable.

When asking questions to a person who has come out as TGNC, it is recommended you ask yourself, "Why am I asking this question?" If the answer is: To help me better understand or provide support to my colleague, then it may be an appropriate question. If the answer is: Because I don't know much about this topic and find it very fascinating, then you may want to reconsider whether your question is appropriate for the workplace.

Open-ended questions, such as, "Are there any specific aspects of your transition that you'd like to share with me so that I can provide support?," give the person an opportunity to share details that they are comfortable with.

Example: Brie is a transgender woman who has been living as a woman outside of work for some time. She recently started to dress, speak, and use a name and pronouns that affirm her gender identity at work. So far, most of her colleagues have been very accepting and have shown respect by using her correct name and pronouns when speaking with her. Brie was thrilled that her colleagues were responding so positively and was eager to talk about her transition with some colleagues she considers friends. Over lunch, Brie told her colleague Janice, "It's great to finally be able to wear clothes that I'm comfortable wearing to work. Right now, I am still a bit limited because of my body, but with the hormones, things will start changing. I can't wait to start filling out so I can buy some fun bras and lingerie!"

While Janice and Brie are friends, Janice is not comfortable discussing anatomy or undergarments with her colleagues. She responds by saying, "Brie, I'm so happy you are able to feel comfortable in how you dress at work. I am not comfortable discussing body shapes or lingerie at work. I would appreciate it if you didn't talk about those things with me at work."

Brie did not intend to make Janice uncomfortable. She was excited to talk about her transition and shared a level of personal detail that is not appropriate for the workplace. Accordingly, Janice expressed her support, but she also gave Brie feedback and set a boundary regarding the type of information that she is willing to discuss at work. When someone comes out to you as TGNC at work, it is appropriate to be respectful while maintaining the same professional boundaries you would have with any other colleague.

After someone shares information, you may have questions or want to know more than the person has shared with you. Before asking questions of someone who has come out to you as TGNC, consider the dynamics of your existing relationship with that person. If there is an established relationship, it is generally acceptable to ask questions that will help you provide support as an ally. The following are suggested guidelines for asking questions:

- Ask the person if they are open to you asking for more information and be receptive to them saying no.
- Ask questions with a genuine intent to understand and improve your ability to be an ally.
- Ask the person for resources that can help you learn more information.
- Do not dismiss a person's description of their experience as a TGNC person simply because you do not understand it.
- Do not ask questions about topics that are inappropriate to discuss with any colleague in the workplace.
- Do your best to educate yourself and seek out resources that can provide you with correct information.

Ongoing Allyship

The following are actions you can take to be an ally to your transgender and gender nonconforming (TGNC) colleagues and to help create a safer work environment.

- Do not make assumptions about anyone's sexuality or gender.
 - Use gender-neutral greetings for individuals you do not know.
 - Politely ask individuals how they want to be addressed to avoid misgendering anyone.
- Use the correct names and pronouns of TGNC colleagues and correct others if they do not do so.
- Use the correct vocabulary when referring to issues concerning the TGNC population and correct others if they do not do so. See Names and Pronouns: Talk to Me for more information.
- Know where to find your agency's nondiscrimination policies and reference them when needed.
- Help uphold nondiscrimination policies by addressing or reporting discriminatory jokes, comments, and actions.
- Do not make comments to or about TGNC colleagues who use a gender-separated bathroom that corresponds with their gender identity.
- Ask your TGNC colleagues if they would like any support, such as describing the layout or accompanying them, when using a gender-separated facility.
- Avoid reinforcing gender stereotypes by making statements that generalize how "all women" or "all men" behave in a certain manner.

- Respect your colleague's privacy by avoiding personal or invasive questions and addressing others who ask these questions.
- Ask TGNC colleagues what specific actions you can take to be supportive.
- Avoid discussing anyone's gender or gender identity and potentially outing that person to others in the workplace.
- Seek out resources, books, or organizations that can provide you with information on TGNC issues.
- Consider putting your pronouns in your e-mail signature. Here is one example, but be sure to use your agency's e-mail signature format:

Jane Smith

Assistant Director

Pronouns: she/her/hers

Governor's Office of Employee Relations

Empire State Plaza, Agency Building 2, Suite 1201, Albany, NY 12223

(518) 473-3130 | jane.smith@goer.ny.gov_

www.goer.ny.gov

- Talk to TGNC people about their concerns in the workplace and ask how you can best support them.
 - When requested and appropriate, and without violating anyone's confidentiality, use your voice to raise awareness of issues that TGNC colleagues may be facing.
 - Some TGNC individuals may appreciate having an ally express concerns on their behalf to help protect their anonymity or to reduce the impact of being a lone voice requesting change or accommodation.
 - Amplify the voices of TGNC colleagues by incorporating suggestions, concerns, and feedback into policies and programming.
- Treat TGNC colleagues as individuals by avoiding generalizations. Remember that each person has a different sense of identity and experience. Each person's process of transition looks different.

Laws, Policies, and Regulatory Agencies

There are state and federal laws that prohibit discrimination. The following resources will help you learn more about relevant laws and policies.

Equal Employment Opportunity (EEO)

- [Equal Employment Opportunity Rights and Responsibilities Handbook](#)
- No decision affecting hiring, promotion, firing, or a term, condition or privilege of employment shall discriminate on the basis of a person's gender identity, nor shall employees be harassed or otherwise discriminated against on such basis or perceived basis.

New York State Employment Discrimination

- [New York State Discrimination Complaint Form](#)
- If you feel you have been discriminated against, please file a discrimination complaint form with the Anti-Discrimination Investigations Division.

New York Code of Rules and Regulations (NYCRR)

- [§ 466.13 Discrimination on the Basis of Gender Identity](#)
- 9 NYCRR § 466.13 prohibits discrimination based on gender identity.

Gender Expression Non-Discrimination Act (GENDA)

- Gender Expression Non-Discrimination Act (Chapter 8 of the Laws of 2019)
- GENDA prohibits discrimination based on gender identity or expression; defines "gender identity or expression" as having or being perceived as having a gender identity, self image, appearance, behavior or expression whether or not that gender identity, self image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth; further includes offenses regarding gender identity or expression within the list of offenses subject to treatment as hate crimes.

New York State Division of Human Rights

- [Mission Statement](#)
- [Agency Overview](#)
- [Human Rights Law](#)
 - Applies to all employers in New York State, including all State agencies and employees, and provides very broad anti-discrimination coverage. The New York State Human Rights Law provides, in § 296.1(a), that it is an unlawful discriminatory practice "[f]or an employer or licensing agency, because of the age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status or domestic violence victim status of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment."
 - New York State Division of Human Rights (DHR) Guidance:
 - [Guidance on Protections From Gender Identity Discrimination Under New York State Human Rights Law](#)

- [Gender Expression Non-Discrimination Act \(GENDA\) & the NYS Human Rights Law](#)
- What is covered:
 - The Human Rights Law prohibits discrimination in:
 - Employment
 - Apprenticeship and training
 - Purchase and rental of housing and commercial space
 - Places of public accommodation
 - Education by public schools, colleges and universities, and non-sectarian, tax-exempt educational institutions
 - All credit transactions
- [How to File a Complaint](#)
- [FAQ](#)

Transition Planning and Assistance for TGNC Employees

This topic provides resources and guidance on transition planning for transgender and gender nonconforming (TGNC) New York State employees.

Employee Assistance Program

The New York State Employee Assistance Program (EAP) is a worksite-based program designed to help State employees with the everyday issues involved in balancing work and life as well as more serious problems that may impact work performance. EAP services are confidential, voluntary, and offered at no cost to employees and their families.

Confidentiality is the cornerstone of EAP. No information may be shared without an employee's permission. The only exceptions to confidentiality are when information is required by law or executive order, when persons are likely to harm themselves or others, or when there is reasonable suspicion of child abuse.

- Employee Assistance Program: 1-800-822-0244
- [Employee Assistance Program Brochure](#)

Guidance for Transitions and Transition Planning for TGNC Individuals

This topic provides support and guidance for employees who are undergoing a transition, planning to transition, or planning a legal name change.

If you decide to transition or use a new name, gender pronoun, and/or affirm a new gender identity, you have a right to do so and receive support from your employer. You have a right to express your gender or gender identity through your clothing style, grooming habits, and name and pronoun choice. While you have a right to keep information regarding your transition confidential, you are encouraged to provide information, including education, to co-workers and key personnel to the extent you feel comfortable.

Additionally, once you are comfortable disclosing information about your gender identity, expression, use of a new name or pronoun, or transition, you are encouraged to inform key personnel so they are better able to support you. Your first point of contact may be your supervisor, a Human Resources professional, or another manager. You may also consider talking to a supportive co-worker who can work with you to develop a workplace transition plan.

Although this plan may change over time according to your needs, you should start to develop a transition plan with your support team that includes:

- Identifying stakeholders (supervisors, co-workers, constituents, etc.) who you may need to engage during this process.
- A communication and timing plan that includes:
 - When to inform the individuals mentioned above: Would you prefer to tell all parties at one time or one at a time?
 - Who will inform them: Do you want a division or agency-wide e-mail or would you prefer to share this information on your own? Your supervisor and Human Resources personnel should provide any requested help.
- The date you want to begin using a new name or presenting yourself in a manner consistent with your gender identity.
- The employment identification and workplace records that you would like changed.

- Anticipated time off, leave, and/or reasonable accommodations related to gender identity, expression, transitioning, and/or transgender status.
- Whether any specific issues need to be addressed sooner rather than later and are priorities for you.
- Whether you or someone from your support team will be your main point of contact.

Having a plan in place can provide a more seamless transition in which you feel empowered and comfortable in the workplace. Supervisors and Human Resources personnel should work with you to create a plan that works for you and the agency.



OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

2021

GOER/ORDA Mandated Training

I hereby attest that I have completed the courses and participated in training for the subjects listed below by:

- Reading the course material

Subject trained on:

- GOER Gender Identity Toolkit

I have watched, participated in, and/or read associated materials and understand the content. I understand that I am responsible for complying with the policies, protocols, laws, and regulations described in the training

Signature

Printed Name

Date



Personal Information Notification

The New York State Olympic Regional Development Authority maintains certain personal information on employees for purposes of complying with various laws and statutes (labor law, worker's compensation law, etc.) and conducting the normal day to day operations of business.

The Personnel Office is responsible for the maintenance and collection of said information. Failure to provide certain information may render you ineligible for appointment and may interfere with ORDA's process/transmit information. ORDA cannot be liable due to inaccurate information provided or omitted information. It is your responsibility to ensure that all information is accurate and up to date.

The purpose for which this information is requested is conducting the normal day to day operations and administration of ORDA.

Information that you provide will be disclosed:

- (1) upon your written authorization; or
- (2) to officers, employees, and contractors of ORDA as is necessary to perform official duties; or
- (3) for any use relevant to the purpose for which it was collected; or
- (4) in accordance with established law and/or lawful policies/procedures; or
- (5) as necessary to conduct operations and administration of normal ORDA business

The Personnel Office is responsible for the maintenance of systems of records. Requests by individuals for access to and correction of personal information collected by ORDA should be made to:

Director of Human Resources
NYS Olympic Regional Development Authority
2634 Main St.
Lake Placid, New York 12946
518-302-5307

- or -

your venue's personnel office

ORDA Employee Expectations Regarding Youth Guests and Athletes

As part of our goal to ensure a safe and healthy environment for athletes and guests as well as our desire to mirror appropriate federal and state legislation, ORDA is enacting the following employee conduct measures that all paid and non-paid (volunteers) employees are expected to follow. Many ORDA employee job require interactions with youth guests and athletes as part of employees' everyday job functions. Youth guests and athletes are anyone under 18-years of age. In addition to complying with ORDA's policies regarding anti-discrimination and anti-harassment, employees must be especially aware of who they are dealing with and use their best judgement when working with these individuals. In this regard, ORDA has created guidelines for appropriate conduct employees are to adhere to in their interactions with youth guests and athletes. The following are examples of appropriate and inappropriate conduct and interactions.

Inappropriate Contact:

- hugs
- Kisses
- Showing affection
- Lap sitting, wrestling, piggyback rides, tickling
- Massages
- Touching bottom, chest, or genital areas.

Appropriate Contact:

- Shoulder to Shoulder
- Pats on shoulder or back
- Handshakes
- High-fives, hand slapping, fist bumps
- Verbal praise
- Touching hands, shoulders, and arms.
- Holding hands (with young children in escort situations)
- As part of job function: assisting after fall or with balance.

Inappropriate Verbal Interactions:

- Name calling
- Discussing sexual encounters
- Discussing personal problems
- Secrets
- Cursing
- Off-color or sexual jokes.
- Shaming or belittling
- Derogatory remarks about the youth, youth's family members, or others.
- Harsh language that may frighten, threaten or humiliate youth.
- Complimenting on physique or body development.

Appropriate Verbal Interactions

- Positive reinforcement
- Encouragement
- Praise
- Appropriate public conversation exchanges.

Inappropriate Comments:

Inappropriate comments include those that are sexual in nature, suggestive in nature, or innuendo. Regardless of age, language needs to be suitable for public consumption at all times.

Examples of inappropriate comments: “dirty” jokes, discussion of sex life, and foul language.

Limiting One-On-One:

Interactions with youth should be in a public space or should be open and interruptible. Best practice is not to be alone with a minor.

Examples:

- Minor alone with adult in ski patrol (have additional ski patrol employee present).
- Minor alone with adult ski instructor in gondola cabin (ride with other guests).
- Minor alone with adult driver in shuttle bus (ride with other guests).
- Minor alone with employee in office (have additional employee in office or move to public space).

Electronic Communications: includes phone, texts, messaging, and social media.

Unless communication is with an immediate family member, all communications between youth guest or athlete and an ORDA employee must include a parent or legal guardian as part of the communication.

Contact through organization groups related to job function is allowed when it is done in a public setting.

Inappropriate language / messages or inappropriate pictures are to be considered a violation of ORDA expectations.

Reporting:

Employees who witnesses or suspects ORDA employee abusive behavior, inappropriate physical contact, or other conduct not meeting ORDA employee conduct expectations for youth guests and athletes must report incident to department supervisor immediately. Department supervisor must report incident or suspicion to HR and/or venue General Manager.

ORDA expects that sport coaches, and sport employees and volunteers will adhere to U.S Safe Sport standards while on ORDA property. Any incident that an ORDA employee suspects violates ORDA expectation standards or U.S. Safe Sport must be reported to a department supervisor immediately.

Abusive or inappropriate behavior by a guest on ORDA property towards any youth must be reported to a department supervisor immediately.



CODE OF CONDUCT

It is essential that public officials and state employees adhere to the highest standards of conduct, and that the public has confidence in the integrity of its officials and employees. Public officials and state employees must, therefore, avoid conduct that is in violation of the public's trust or that creates a justifiable impression among the public that such trust is being violated.

OFFICE OF THE NEW YORK STATE INSPECTOR GENERAL



WHISTLEBLOWER POLICY

Purpose

It is the policy of the Olympic Regional Development Authority (“ORDA”) to afford certain protections to individuals who in good faith report violations of ORDA’s Code of Ethics or other instances of potential wrongdoing within ORDA. This Whistleblower Policy is applicable to all ORDA employees and its board members.

It prohibits discrimination, harassment and/or retaliation of any kind against anyone who reports in good faith, based upon a reasonable belief: (i) a complaint and/or provides information concerning an actual, potential or suspected act of fraud, misconduct, wrongdoing or other inappropriate behavior by an employee or ORDA business partner as further described in this Policy, or (ii) a complaint and/or provides information regarding any alleged conduct that violates or demonstrates non-compliance with ORDA Policies and Procedures and/or any applicable laws and regulations affecting the organization.

This Whistleblower Policy, and the procedures set forth below, are intended to encourage and enable employees to raise concerns in good faith within ORDA and without fear of retaliation or adverse employment action.

Definitions

For purposes of this policy, the terms specified below shall be defined as follows:

“Good Faith” – shall mean information that is disclosed whereby the individual disclosing said information reasonably believes such information to be true and reasonably believes that it constitutes potential wrongdoing.

“ORDA” – shall mean the Olympic Regional Development Authority.

“ORDA Employee” – shall mean all staff employed by ORDA including those working full-time, seasonal, part-time, temporary, or contract employees. The term ORDA Employee shall also include, for purposes of this policy, ORDA board members and ORDA Officers.

“Whistleblower” - shall mean any ORDA Employee (as defined herein) who in good faith discloses information concerning acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by another ORDA Employee, or concerning ORDA’s investments, travel, acquisition of real or personal property, the disposition of real or personal property, the procurement of goods and services, and/or the business of ORDA itself.

“Wrongdoing” - shall mean any alleged corruption, fraud, criminal or unethical activity, misconduct, waste, conflict of interest, intentional reporting of false or misleading

information, or abuse of authority engaged in by an ORDA Employee (as defined herein) that relates to ORDA.

“Personnel action” – shall mean any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.

Section I: Reporting Wrongdoing

Any ORDA Employee who discovers or has knowledge of potential wrongdoing concerning: board members, officers, or employees of ORDA; or a person having business dealings with ORDA; a contractor of ORDA; or concerning ORDA itself, shall report such activity in accordance with the following procedures:

- a) The ORDA Employee shall disclose any information concerning wrongdoing either orally or in a written report to his or her highest level supervisor (i.e., Venue Manager or departmental Director), or to ORDA’s ethics officer, general counsel or human resources representative.
- b) Any ORDA Employee who discovers or has knowledge of wrongdoing shall report such wrongdoing in a prompt and timely manner.
- c) The identity of the whistleblower and the substance of his or her allegations will be kept confidential to the best extent possible.
- d) The individual to whom the potential wrongdoing is reported shall forward the complaint to the Vice President of Operations, Director of Human Resources, or General Counsel, who will then cause an investigation to be conducted in a timely and reasonable manner, which may include referring such information to the Authorities Budget Office or an appropriate law enforcement agency where applicable.
- e) Should an ORDA Employee believe in good faith that disclosing information within ORDA pursuant to Section 1(a) above would likely subject him or her to adverse personnel action or be wholly ineffective, the ORDA Employee may instead disclose the information to the Authorities Budget Office or an appropriate law enforcement agency, if applicable. The toll free number for the Authorities Budget Office (1-800-560-1770) should be used in such circumstances.
- f) Any Employee who knowingly submits false allegations of misconduct, fraud, or other wrongdoing, or otherwise fabricates accusations, is not protected under this policy and is subject to disciplinary action up to and including termination.

Section II: No Retaliation or Interference

No ORDA Employee shall retaliate against any whistleblower for the disclosure of potential wrongdoing, whether through threat, coercion, or abuse of authority; and, no ORDA employee shall interfere with the right of any other ORDA employee by any improper means aimed at deterring disclosure of potential wrongdoing. Further, no ORDA employee shall retaliate against or otherwise interfere with an employee who is cooperating and/or providing information during the course of an investigation. Any attempts at retaliation or interference are strictly prohibited and:

- a) No ORDA Employee who in good faith discloses potential violations of ORDA's Code of Ethics or other instances of potential wrongdoing, shall suffer harassment, retaliation or adverse personnel action.
- b) All allegations of retaliation against a Whistleblower or interference with an individual seeking to disclose potential wrongdoing will be thoroughly investigated by ORDA.
- c) Any ORDA Employee who retaliates against or attempts to interfere with any individual for having in good faith disclosed potential violations of ORDA's Code of Ethics or other instances of potential wrongdoing is subject to discipline, which may include termination of employment.
- d) Any allegation of retaliation or interference will be taken and treated seriously and irrespective of the outcome of the initial complaint, will be treated as a separate matter.

Section III: Other Legal Rights Not Impaired

The Whistleblower Policy and Procedures set forth herein are not intended to limit, diminish or impair any other rights or remedies that an individual may have under the law with respect to disclosing potential wrongdoing free from retaliation or adverse personnel action.

- a) Specifically, these Whistleblower Policy and Procedures are not intended to limit any rights or remedies that an individual may have under the laws of the State of New York, including but not limited to the following provisions: Civil Service Law § 75-b, Labor Law § 740, State Finance Law § 191 (commonly known as the "False Claims Act"), and Executive Law § 55(1).
- b) With respect to any rights or remedies that an individual may have pursuant to Civil Service Law § 75-b or Labor Law § 740, any employee who wishes to preserve such rights shall prior to disclosing information to a government body, have made a good faith effort to provide the appointing authority or his or her designee the information to be disclosed and shall provide the appointing authority or designee a reasonable time to take appropriate action unless there is imminent and serious danger to public health or safety. (See Civil Service Law § 75-b[2][b]; Labor Law § 740[3])



Safety Policy and Program

Mission Statement

The New York State Olympic Regional Development Authority (“ORDA”) has created this Safety Policy and Program with the mission of providing and maintain a safe and healthy work environment for its employees. It is each employee’s responsibility to comply with this Safety Policy and Program.

Management Commitment and Leadership

The Senior Management of ORDA supports the Safety Policy and Program with human, financial and material resources needed to achieve its goals.

All staff are expected to abide by safety policies and procedures established by Senior Management. The failure to do so will be cause for disciplinary action.

It is the responsibility of all management staff to ensure that their employees adhere to the Safety Policy and Program and to hold employees accountable for any violations.

Safety Committees

Each venue is required to have a Safety Committee and to hold monthly Safety Committee meetings. Each Safety Committee must be comprised of a mixture of management and staff, and must have a Chair and a Secretary.

Minutes of each meeting are to be distributed to the general manager for each venue, the Safety Committee members, the Human Resources Department, the Chair and Co-chair of the Central Safety Committee, and Risk Manager.

The agenda for Safety Committee meetings must include:

- Reviewing accident investigation reports and determining if appropriate corrective action was taken to prevent a similar occurrence in the future. If not, the Committee should submit a recommendation to the appropriate venue manager for subsequent action. If an accident investigation report is not clear, it should be returned to the supervisor to provide more information.
- Reporting hazards that could lead to accidents or property damage and make recommendations.
 - Recommendations should be submitted to the appropriate Venue Manager.
- Identifying and assisting with any activities that support the Safety Program.

Central Safety Committee

The Central Safety Committee (CSC) shall be comprised of at least one representative from each venue. The chair of each venue’s Safety Committee shall also serve on the CSC and shall meet with the ORDA Risk Manager monthly. This Committee will meet no less than every three months. The purpose is to share information among the venue

operations and maintain consistency from venue to venue in the areas of policy, procedures, training, and other safety topics.

Supervisors

Supervisors are responsible for:

- Maintaining a safe work environment and safe work practices.
- Identifying cause(s) of injury for all work-related accidents, including near misses, and recommend actions to prevent similar incidents.
- Submitting incident reports by the end of the shift during which the incident happened.
- Enforcing ORDA's Safety Policy and Program.
- Conducting pre-shift safety meetings.

Department Supervisors

Department Supervisors are responsible for:

- Job Hazard Analysis – Supervisors are required to complete a job hazard analysis for every task undertaken in their department. Surroundings of job site, tools, equipment, personal protection equipment, training and precautions are crucial consideration in this analysis. They will be reviewed annually.
- Completing the employee incident report and root cause analysis with the employee in a timely manner.

When appropriate, enforcing ORDA's disciplinary program; enforcing ORDA's Safety Policy and Program; and ensuring supervisors are enforcing ORDA's Safety Policy and Program.

Training

Occupational and safety training is provided to all staff by ORDA as mandated in Article 2, Section 25-a, Part 3 of the New York Department of Labor Public Safety and Health Act. This statute also requires that employees understand and comply with general, as well as job-specific, occupational safety standards.

All new staff members are required to be given orientation training as soon as possible after starting employment. Annual refresher training must also be provided to all year-round and returning seasonal staff. Additional safety training should be provided by supervisors to their staff as appropriate, given their job titles and job descriptions, which should include and outline the nature of their work, the equipment used, job requirements, personal protective equipment, and should identify the safety training necessary to perform that job function.

All training must be documented.

Staff

All employees are responsible for:

- Workplace safety.
- If involved in or aware of an accident that results in personal injury or property damage, reporting the accident to their supervisor and completing an incident report immediately.
- Reporting any condition or practice that may cause injury and/or damage to equipment immediately.

- Complying with all safety rules established by management.

Inspections

Building inspections should be done monthly.

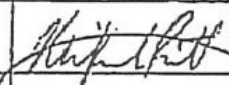


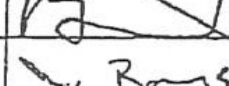
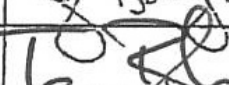

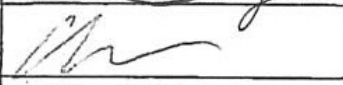
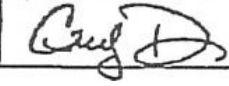

Each venue will conduct quarterly inspections. Findings must be documented. A copy of the findings will be provided to venue management staff and Safety Committee, the Human Resources Department, the Chair and Co-Chair of the CSC, the President/CEO, Vice President of Operations, and Risk Manager.

Employee participation is encouraged.

Personal Protective Equipment

Where hazards cannot be eliminated, employees must use appropriate personal protective equipment. All employees must be instructed on the proper use of personal protective equipment and training must be documented.

The signatures below of all senior management, each venue manager, and the union will be required to confirm their commitment to this Safety Policy and Program.

Name	Title	Signature	Date
Mike Pratt	President/CEO		
Vero Piacentini	V.P. of Operations		9-15-21
David McKillip	Director of Human Resources		9-14-21
Bruce Transue	Belleayre Venue Manager		9-19-21
James Bayse	Gore Venue Manager		9-16-21
Terry Buczkowski	Olympic Center Venue Manager		9/27/21
Rebecca Dayton	OSC/OJC Venue Manager		9/23/2021
Aaron Kellett	Whiteface Venue Manager		9/23/21
Cindy Dady	Risk Manager		9-13-2021



Social Media Policy

Purpose and Benefits of the Policy

More people than ever are using social media technologies to create, connect, and collaborate online. Social media generally refers to websites and applications commonly associated with facilitating interactive information sharing, interoperability, user-centered design, and collaboration on the World Wide Web. For purposes of this policy, social media is any media platform that is created to be shared freely across different web publishing platforms. Examples include, but are by no means limited to, Facebook, Twitter, LinkedIn, Snapchat, Instagram, etc. The purpose of this policy is to not only provide guidelines for the professional use of social media by the Olympic Regional Development Authority (ORDA) and its authorized agents, but also to provide expectations to staff regarding acceptable and unacceptable uses of social media.

Authorization

Pursuant to Executive Order No. 117 of 2002, and reinforced by Executive Order No. 2 of 2011, ORDA's Public Information Officer (PIO), or a person otherwise authorized by the President/CEO, is responsible for maintaining the ORDA's social media site(s) including, but not limited to, securely maintaining the location and access rights associated with such sites.

As a New York State public benefit corporation, ORDA is subject to New York's Statewide policy on use of social media [\[https://its.ny.gov/sites/default/files/documents/nys-p11-001.pdf\]](https://its.ny.gov/sites/default/files/documents/nys-p11-001.pdf). This policy does not replace the state's policy on use of Social Media, but should be read in conjunction with said policy. Further, this policy is meant to augment New York State's social media policy and addresses ORDA's specific needs as it pertains to use of social media.

Only users authorized by the Public Information Officer or other designee may post on a social media platform on behalf of ORDA. Content posted on any ORDA social media site must comply with all applicable Federal and State laws, regulations and policies as well as any terms of use/terms of service applicable to the social media site being used.

ORDA will also create a separate User Guide for authorized users that establishes parameters for user-generated content in order to help ensure compliance with laws, terms of use, security risk mitigation, and compliance with this policy.

Use of Social Media by Authorized Users

The purpose of ORDA's social media efforts are to further the interests of ORDA as deemed by the President/Chief Executive Officer or his/her designee(s). Posts that present ORDA, any of ORDA's venues, any of ORDA's partners, and/or the State of New York in a negative light and/or are deemed to be inflammatory are strictly prohibited.

Only staff authorized by the Public Information Officer (PIO) may use social media technologies in their official capacities on behalf of ORDA. Authorized users must adhere to the following rules when using such technologies through ORDA's Information Technology resources and/or in their capacities as an ORDA employee.

Authorized users:

- Shall abide by all applicable policies, terms of use and work rules including the ORDA policy on Acceptable Use of Information Technology (IT) Resources, regarding the use of the Internet and information technology resources when using social media tools in their capacity as an ORDA employee. The use of social media tools on ORDA IT resources will be monitored in accordance with ORDA IT protocols and procedures.
- Are responsible for all of their online activities
- Shall not discuss or post confidential, proprietary or otherwise restricted information.
- Shall only post in accordance with the terms of ORDA's User Guide
- Shall abide by copyright and other applicable laws. A user's comments and posts may be permanently available and open to being republished in other media. Users should be aware that libel, defamation, copyright and data protection laws apply to postings on social media websites.
- Must obtain permission before publishing photographs, videos or quotes that are not generated by ORDA.

Additionally, any and all material generated by an authorized user is proprietary and owned by ORDA

ORDA Social Media Sites

ORDA is responsible for the creation, maintenance, and discontinuance of its social media sites/pages. ORDA's PIO, or other person designated by the President/CEO, is responsible for maintaining ORDA's social media site(s), including but not limited to securely maintaining the location and access rights associated with such sites.

ORDA Social Media Use Policy

ORDA engages customers and other interested parties through many digital outlets, including orda.org, goremountain.com, whiteface.com, and belleayre.com. Communicating with ORDA through social media enables customers and others to contact and engage us in a direct and meaningful way.

ORDA's social media sites such as Facebook and Twitter pages are located within host sites that maintain their own terms of service, terms of use, privacy policies or other rules ("Terms of Service", TOS) governing the use of these sites. You are subject to the TOS of the host site when you visit an ORDA social media site. Information (photos, videos, messages etc.) you share with or post to ORDA pages may be used by the owners of the host site for their own purposes pursuant to its TOS. For more information, consult the host website's TOS.

ORDA may also host its own social media sites, whose site-specific Terms of Service govern your use of those sites. You agree that any information you post on an ORDA social media site is irrevocably, permanently licensed to ORDA and may be treated by ORDA as public information subject to disclosure to third parties. If a copyright is indicated on a video, photo, graphic or other material, permission to copy the material must be obtained from the original source of the material before posting.

Communications made to ORDA through an ORDA social media site/platform will not be considered formal public comment and shall not constitute official legal notice to ORDA nor requests for records under the Freedom of Information Law. Such submissions will not be acknowledged.

Questions regarding ORDA's social media use policy may be directed to info@orda.org.

Disclaimer

The following disclaimer shall be placed on all social media sites (pages) and websites controlled by ORDA:

Thank you for visiting [insert venue/ORDA/site as appropriate] on [SITE]. The opinions and beliefs expressed by users on this site are those of the users and do not necessarily reflect the views or opinions of ORDA. Comments posted on this site are not considered formal public comment and are not promised or guaranteed to be accurate, current, or complete. ORDA assumes no responsibility for and expressly disclaims responsibility for updating this site to keep information current or to ensure the accuracy or completeness of any posted information. ORDA is not required to preserve indefinitely all material posted to its digital outlets. Links or advertisements provided on this website may have been placed there by the social media host site and not the ORDA. Their placement does not constitute an endorsement of the content, viewpoint, accuracy, opinions, policies, products, services, or accessibility of those items by the ORDA nor the State of New York. Once you follow a link to another website from this website, including another website maintained by ORDA, you are subject to the terms and conditions governing the use of that website.

5.0 Policy Compliance

This policy shall take effect upon publication. ORDA shall review the policy periodically to ensure relevancy. New York State Information Technology Services (ITS) may also assess ORDA's compliance with the New York State's policy on social media. To accomplish this assessment, ITS may issue, from time to time, requests for information to ORDA, which will be used to develop any reporting requirements as may be requested by the NYS Chief Information Officer, the Executive Chamber or Legislative entities.

Non-Official/Personal Use of Social Media and Social Networking

ORDA recognizes that many of its employees use social media for their own personal use. Therefore, ORDA employees, or those working on behalf of ORDA, who use social media and social networking services and tools for personal use outside of the workplace do not require approval to do so. However, ORDA recognizes that these types of tools can sometimes blur the line between professional and personal lives and interactions. Therefore, employees are reminded that, as representatives of ORDA, the guiding principles identified below should be taken into consideration when using social media at any time, but particularly when identifying themselves as employees of ORDA or when context might lead to that conclusion.

By exercising discretion and common sense when employing social media for professional or personal purposes, employees will help assure that their great potential is fully realized without inadvertently compromising ORDA's professional, legal, or ethical standards.

Guiding Principles

The following principles should be employed when using social media services in a non-official/personal capacity:

Be aware of your ORDA association in online social networks. If you identify yourself as an ORDA employee or have a public facing position for which your ORDA association is generally known, ensure your profile and related content (even if it is of a personal and not an official nature) is consistent with how you wish to present yourself as an ORDA professional, appropriate with the public trust associated with your position, and conform to existing standards. Employees should have no expectation of privacy when using social media tools.

- When in doubt, stop. Don't post until you're free of doubt.
- In a publicly accessible forum, do not discuss any ORDA related information that is not already considered public information. The discussion of sensitive or proprietary information is strictly prohibited. This rule applies even in circumstances where password or other privacy controls are implemented. Failure to comply may result in fines and/or disciplinary action.

Last, employees need to be aware that, as employees of ORDA, their posts, whether intended or not, may be associated with ORDA – even when they are not specifically identified as ORDA employees. To the extent that this association can occur, staff may be held liable and subject to disciplinary action for posts that shed ORDA in a negative light, may be deemed to be inflammatory, or otherwise reflect negatively upon ORDA.

Individual Authorization for Use of Likeness

For valuable consideration received, I grant to the New York State Olympic Regional Development Authority ("ORDA") and its legal representatives and assigns, the irrevocable and unrestricted right to use my name and/or likeness for editorial, trade, advertising, and any other purpose and in any manner and medium; and to alter and composite the same without restriction and without my inspection or approval. "My likeness" includes a photograph, videotape recording, film or artistic rendering of me, a recording of my voice, and/or reproduction of any of these. I hereby release ORDA and its legal representatives and assigns from all claims and liability relating to said likeness and I consent to ORDA sharing my likeness with such third parties as it deems appropriate.

X _____

SIGNATURE

NAME

DATE

PHONE

STREET ADDRESS

CITY, STATE, ZIP

X _____

IF MINOR, SIGNATURE OF PARENT/GUARDIAN

(Print Name)



OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

Domestic Violence in the Workplace

Policy Statement

Domestic violence permeates the lives and compromises the safety of thousands of New York State employees each day, with tragic, destructive, and often fatal results. Domestic violence occurs within a wide spectrum of relationships, including married and formerly married couples, couples with children in common, couples who live together or have lived together, gay, lesbian, bisexual and transgender couples, and couples who are dating or who have dated in the past.

Domestic violence is defined as a pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim. In addition to exacting a tremendous toll from the individuals it directly affects, domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover.

The purpose of this Policy is to identify and prescribe agency practices that will promote safety in the workplace and respond effectively to the needs of victims of domestic violence. Agencies will use this Model Policy to develop their own agency-specific policies to achieve these objectives.

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

Definitions

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

Domestic Violence: A pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

Intimate Partner: Includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time, couples who live together or have lived together, or persons who are dating or who have dated in the past, including same sex couples. ([1](#))

Abuser: A person who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

Victim: The person against whom an abuser directs coercive and/or violent acts.

ORDA: Shall mean the New York State Olympic Regional Development Authority

Guidelines

I. Employee Awareness

Agencies shall increase awareness of domestic violence and inform employees of available sources of assistance.(2)

- a. ORDA shall post information on domestic violence and available resources in the work site in places where employees can obtain it without having to request it or be seen removing it, such as rest rooms and lounge areas. Such information shall include available sources of assistance such as Employee Assistance Program, local domestic violence service providers, the NYS Domestic Violence and Sexual Assault hotline, and/or human resources personnel who are trained and available to serve as confidential sources of information, support, and referral.
- b. Referrals shall be made to domestic violence programs located on the OPDV website at http://www.opdv.state.ny.us/about_dv/fss/resource.html. Additional referrals may be made to best meet the needs of the employee. Information shall be made available on employee bulletin boards and included in employee newsletters, as appropriate.
- c. ORDA shall include information on domestic violence awareness and services in written materials provided to new employees and as part of new employee orientation.
- d. ORDA shall inform employees that New York State law prohibits insurance companies and health maintenance organizations from discriminating against domestic violence victims. The law prohibits designation of domestic violence as a pre-existing condition. An insurance company cannot deny or cancel an insurance policy or require a higher premium or payment because the insured is or has been a domestic violence victim. [§2612 of the Insurance Law.]
- e. ORDA shall integrate information on domestic violence and ORDA's domestic violence and the workplace policy into existing materials and literature, policies, protocols, and procedures, including Public Employer Workplace Violence Prevention Programs(3) as appropriate.
- f. ORDA shall consider conducting domestic violence awareness activities such as "brown bag" lunch programs and other health and wellness programs.

II. Non-Discriminatory and Responsive Personnel Policies for Victimized Employees

ORDA shall take the steps necessary to ensure that personnel policies and procedures do not discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence.

New York State law makes it a crime for employers to penalize an employee who, as a victim or witness of a criminal offense, is appearing as a witness, consulting with a district attorney, or exercising his/her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law. This law requires employers, with prior day notification, to allow time off for victims or subpoenaed witnesses to exercise his/her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law [Penal Law §215.14]. If there are any questions or concerns regarding the leave that must be granted to victims or subpoenaed witnesses, contact the ORDA's Personnel Office or the Attendance and Leave Unit at the Department of Civil Service.

- a. ORDA, upon request, will assist the employee in determining the best use of his/her attendance and leave benefits when an employee needs to be absent as a result of being a victim of domestic violence. If an employee requests time off to care for and/or assist a family member who has been a victim of domestic violence, the agency will evaluate the employee's request for leave for eligibility under existing law and collective bargaining agreements applicable to the employee and the attendance rules.
- b. ORDA recognizes that victims of domestic violence may lack the required documentation or have difficulty obtaining the required documentation to justify absences without compromising their safety. Therefore, ORDA will, upon request, consult with the employee to identify what documentation she/he might have, or be able to obtain, that will not

compromise his/her safety-related needs and will satisfactorily meet the documentation requirement of the employer. Because there are confidentiality issues associated with the submission of documentation in these instances, ORDA may consult with the Attendance and Leave Unit at the Department of Civil Service for guidance.

- c. Employees who are victims of domestic violence and who separate from a spouse (or terminate a relationship with a domestic partner, if covered), shall be allowed to make reasonable changes in benefits at any time during the calendar year where possible, in accordance with statute, regulation, contract and policy.
- d. ORDA prohibits inquiries about a job applicant's current or past domestic violence victimization, and prohibit employment decisions to be based on any assumptions about or knowledge of such exposure.
- e. In cases in which it is identified that an employee's work performance difficulties are a result of being a victim of domestic violence, said employee shall be afforded all of the proactive measures outlined in this policy, and shall be provided clear information about performance expectations, priorities, and performance evaluation. If a disciplinary process is initiated, ORDA will consider all aspects of the victimized employee's situation, and all available viable options in trying to resolve the performance problems should be exhausted, including making a referral to the Employee Assistance Program, provided that they are consistent with existing collective bargaining agreements and applicable policies.
- f. If reasonable measures have been taken to resolve domestic violence-related performance problems of victimized employees, but the performance problems persist and the employee is terminated or voluntarily separates from employment, ORDA should inform the employee of his or her potential eligibility for unemployment insurance and respond quickly to any requests for information that may be needed in the claims process. New York State law provides that a victim of domestic violence who voluntarily separates from employment may, under certain circumstances, be eligible for unemployment insurance benefits. [§593 of NYS Labor Law.]

III. Workplace Safety Plans

ORDA shall create and incorporate a domestic violence workplace safety response plan and provide reasonable means to assist victimized employees in developing and implementing individualized domestic violence workplace safety plans, consistent with existing collective bargaining agreements, statutes and regulations.

ORDA shall designate an ORDA/OPDV liaison. This liaison will ensure ORDA-wide implementation of the domestic violence and the workplace policy, and serve as the primary liaison with OPDV regarding the domestic violence workplace policy.

ORDA shall designate personnel available to support those in need of assistance around the issue of domestic violence. Designated support personnel's contact information, including name, work phone number and location will be included in published materials and clearly posted.

ORDA shall comply and assist with enforcement of all known court orders of protection, particularly orders in which abusers have been ordered to stay away from the work site. If requested by the victim of domestic violence or law enforcement, ORDA shall provide information in its possession concerning an alleged violation of an order of protection.

ORDA shall have an emergency security response plan in place, including procedures for contacting the appropriate law enforcement agency, and provide employees with clear instructions about what to do and who to contact if they observe anyone engaging in threatening behavior. Such a plan will allow appropriate actions to be taken if an abuser gains unauthorized access to the work site, or if an abuser engages in any acts that threaten the safety of employees or clients.

- A. All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of any ORDA operated facility without proper authorization.

B. Conduct that threatens, intimidates, or coerces another employee or a member of the public at any time, including off-duty periods, will not be tolerated.

C. Violence and threats of violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor, Department Head or Venue Manager. This includes threats by employees, as well as threats by customers, vendors, solicitors, or members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

D. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work site, contact the Police Department immediately.

Warren County Sheriff's Department:	518-743-2500
Essex County Sheriff's Department:	518-873-6321
Ulster County Sheriff's Department:	845-338-3640
Delaware County Sheriff's Department:	607-832-5555
NYS Police:	518-897-2000 (Ray Brook)
	518-494-3332 (Chestertown)
	845-331-1671 (Kingston)
Lake Placid Village Police Department:	518-523-3306
Town of Shandaken Police Department:	845-688-9902
NYS Domestic Violence Hotline:	1-800-942-6906

E. ORDA will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, ORDA may suspend employees pending an investigation.

ORDA shall discuss with the victim of domestic violence the confidentiality policy and limitations thereto. (See Section VII. NYS Agencies Responsibility d – g).

Upon request, ORDA will consult with victimized employees to develop and implement individualized workplace safety plans, which may include, when appropriate, advising co-workers and, upon request, the employee's bargaining representative, of the situation; setting up procedures for alerting security and/or the police; temporary relocation of the victim to a secure area; options for voluntary transfer or permanent relocation to a new work site; change of work schedule, reassignment of parking space; escort for entry to and exit from the building; responding to telephone, fax, e-mail or mail harassment; and keeping a photograph of the abuser and/or a copy of any existing court orders of protection in a confidential on-site location and providing copies to security personnel. Plans must address additional concerns if the victim and the offender are both employed by ORDA.

ORDA shall review domestic violence and the workplace policy annually. Policy revisions and updates shall be forwarded to OPDV.

IV. Accountability for Employees Who Are Offenders

Employees who engage in the following behavior shall, in accordance with this policy, be subject to disciplinary action up to and including termination: (1) using state resources to commit an act of domestic violence; (2) committing an act of domestic violence from or at the workplace or from any other location while on official state business; or (3) using their job-related authority and/or state resources in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence.

1. In cases in which ORDA has determined that an employee has threatened, harassed, or abused an intimate partner at the workplace using state resources such as work time, workplace telephones, FAX machines, mail, e-mail or other means, said employee shall be subject to corrective or disciplinary action.

2. In cases where ORDA has verified that an employee is responsible for a domestic violence-related offense, or is the subject of any order of protection, including temporary, final or out-of-state order, as a result of domestic violence, and said employee has job functions that include the authority to take actions that directly impact victims of domestic violence and/or actions that may protect abusers from appropriate consequences for their behavior, the agency shall determine if corrective action is warranted, in accordance with existing collective bargaining unit agreements, statutes and regulations.
3. In cases where an employee intentionally uses his/her job-related authority and/or intentionally uses state resources in order to negatively impact a victim of domestic violence, assist an abuser in locating a victim, assist an abuser in perpetrating acts of domestic violence, or protect an abuser from appropriate consequences for his behavior, said employee shall be subject to corrective or disciplinary action.

V. Training

Training, training development and training technical assistance on domestic violence and its impact on the workplace will be made available by OPDV on an on-going basis. ORDA will make training available to all staff on domestic violence. Training should be required of certain staff, and strongly encouraged for others, as outlined below.

- a. The ORDA/OPDV liaison and all personnel designated to provide support for those in need of assistance should complete OPDV's one-day training on Domestic Violence and the Workplace. Training will prepare support personnel to identify possible signs and indicators of victimization, make appropriate referrals to domestic violence service providers, work with professionals to assist identified victims with safety planning, and develop individualized responses in recognition of the physical, social and cultural realities that may affect an individual victim's situation. Training will also include information on the ways in which domestic violence impacts the workplace, including the potential impact on worker productivity and the safety risks to on-site personnel and visitors.
- b. All appropriate managers, supervisors, employee assistance professionals, human resources personnel, union and labor representatives and security staff are encouraged to attend OPDV's training on Domestic Violence and the Workplace.
- c. Training on domestic violence and its impact on the workplace should be made available on a regular basis for all ORDA staff. Training would include information on the physical, social and cultural realities that may affect victims of domestic violence, the ways in which domestic violence impacts the workplace, including the potential impact on worker productivity and safety risks. When possible, OPDV-approved training materials can be integrated into existing union and management training programs, agency training programs, EAP training, Public Employer Workplace Violence Prevention Programs⁽⁴⁾ training, etc.. Training may also be provided by OPDV or a local domestic violence service provider when scheduling permits.

VI. NYS Agencies' Responsibilities⁽⁵⁾

ORDA shall set a tone communicating that domestic violence is behavior that will not be tolerated and that ORDA will actively provide information and support to employees who are victims of such abuse.

- a. ORDA shall disseminate copies of the agency's *Domestic Violence and the Workplace Policy* to all employees upon implementation and to all new employees upon hiring or appointment.
- b. All employees shall review and follow the policy and procedures set forth in this domestic violence and the workplace policy.
- c. ORDA shall, consistent with applicable law and agency policy, document all incidents of domestic violence that happen in the workplace. Such documents should be provided to the ORDA/OPDV Liaison as soon as practicable. Such documents shall be kept confidential to the extent permitted by law and agency policy and the provisions of section g detailed below.

- d. All ORDA employees providing domestic violence information and support services shall document, consistent with applicable law and policy, the number of employees who report domestic violence, the number of employees that request information/services, and the number of referrals made to domestic violence service providers. All information about employees who seek assistance shall be kept confidential to the extent permitted by law and agency policy and the provisions of section g detailed below, and documentation should not include any personal information. The number of employees seeking assistance as outlined above shall be reported to the ORDA/OPDV Liaison.
- e. All ORDA/OPDV Liaisons shall, consistent with applicable law and policy, provide information about the number and general nature of domestic violence incidents that happen in the workplace, the number of employees who report domestic violence, the number of employees that request information/services, and the number of referrals made to domestic violence service providers, with no personally identifying information, to OPDV at the time and in a manner determined by OPDV.
- f. Information related to an employee being a victim of domestic violence shall be kept confidential, to the extent permitted by law and policy, and shall not be divulged without the written consent of the victimized employee, unless ORDA determines that maintaining said confidentiality puts the victim or other employees at risk of physical harm, is required by law, or is deemed necessary to enforce an order of protection. In such circumstances where a determination has been made that maintaining confidentiality puts the victim or other employees at risk of physical harm, is required by law, or is deemed necessary to enforce an order of protection. In such circumstances where a determination has been made that maintaining confidentiality puts the victim or other employees at risk of physical harm, only those individuals (ORDA employees and/or safety and security personnel and/or rescue and first aid personnel) as deemed necessary by ORDA to protect the safety of the victim and/or other employees or to enforce an order of protection shall be given such information. ORDA shall disclose only the minimum amount of information necessary to protect the safety of the victim and/or other employees or enforce an order of protection. Where possible, ORDA should provide to the victim of domestic violence notice of the intent to provide information to other employees and/or safety personnel. It is important for ORDA to inform a victim of domestic violence of ORDA policy of confidentiality toward domestic violence information and the limitations of that policy. Nothing herein shall prevent ORDA from investigating an act or acts of domestic violence that happen with in the workplace. ORDA shall provide examples of situations where confidentiality cannot be maintained such as the following:
 - 1. Supervisors/managers may be informed about a domestic violence incident that happens in the workplace, or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee's co-workers.
 - 2. First aid and safety personnel may be informed about a domestic violence incident that happens in the workplace or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee's co-workers.
 - 3. Government officials investigating a domestic violence incident that happens in the workplace, or a report of domestic violence, shall be provided relevant information on request.
- g. ORDA shall provide a clear statement identifying the confidentiality limitations that exist to both staff providing support services and victims.

1) This definition may extend to other circumstances such as the abuse of a parent by an adult child, but the primary focus of this policy is adult, intimate partner violence.

2) Whenever possible, the domestic violence and the workplace policy should also be extended to consultants, contractors, and other non-state, on-site providers.

3) 12 NYCRR pt. 800.16 Public Employer Workplace Violence Prevention Programs

4) 12 NYCRR pt. 800.16 Public Employer Workplace Violence Prevention Programs

5) For the purpose of this order, "state agency" shall mean: (1) any state agency, department, office, board, commission or other instrumentality of the state; and (2) any public authority or public benefit corporation created by or existing under any State law, at least one of whose members is appointed by the Governor (including any subsidiaries of such public authority or public benefit corporation), other than an interstate or international authority or public benefit operation.



DEFENSE AND INDEMNIFICATION POLICY

I. Purpose and Definition.

The purpose of this Policy is to provide for the defense and indemnification of Members, officers, and employees of the New York State Olympic Regional Development Authority (ORDA).

II. General Scope of Indemnification.

ORDA shall, to the fullest extent permitted by law, indemnify any person who becomes a party to an action or proceeding by reason of the fact that they were or are a Board Member (Member), officer, or employee of ORDA, and arising out of such Member's, officer's, or employee's action(s) within the scope of their employment in the exercise or carrying out of any of ORDA's purposes and powers (Applicable Standard of Conduct), against judgments, penalties, amounts paid in settlement and reasonable expenses, including attorney's fees, actually and necessarily incurred, unless the conduct of such Member, officer, or employee, in the matters at issue in such action or proceeding, is found not to have met the Applicable Standard of Conduct.

III. Insurance.

ORDA shall, to the fullest extent permitted by law, provide defense and/or indemnification under the terms of this Policy through the purchase and maintenance of insurance procured annually as part of the ORDA program of insurance. Outside of such insurance ORDA assumes no independent obligation to indemnify any ORDA Member, officer, or employee, under the terms of this Policy. If a claim for coverage is denied by the carrier(s) of such policy or policies of insurance, ORDA shall have no independent liability for the costs associated with either the defense or indemnification of any Member, officer, or employee, in any action or proceeding against them. This policy does not create any contractual obligation on the part of ORDA in this regard.

IV. Applicability of this Article.

A. The provisions of this Policy shall inure only to Members, officers, and employees of ORDA, as defined herein, shall not enlarge or diminish the rights of any other party to an action or proceeding, and shall not impair, limit or modify the rights and obligations of any insurer under any policy of insurance.

B. The provisions of this Policy shall be in addition to and shall not supplant any indemnification by the State heretofore or hereafter conferred upon any Member, officer, or employee by Section 17 of the Public Officers Law, or otherwise.

C. This Policy shall be applicable, to the fullest extent permitted by law, to any claim for indemnification made after its adoption as a Policy Resolution of ORDA, whether the action or proceeding to which such claim relates commenced, or the matters at issue therein occurred, before or after the adoption of this Policy. It is contemplated that no subsequent amendment, supplement or repeal of this Policy which deprives a Member, officer, or employee of any substantial right or benefit conferred herein will be made applicable with respect to any claim for indemnification arising out of conduct of such Member, officer, or employee occurring or alleged to have occurred after the adoption of this Policy and prior to such amendment, supplement or repeal.



OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

VIOLENCE IN THE WORKPLACE POLICY

A. The NYS Olympic Regional Development Authority (ORDA) is committed to maintaining a safe work environment. Given the increasing violence in society in general, ORDA has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

B. All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of any ORDA operated facility without proper authorization.

C. Conduct that threatens, intimidates, or coerces another employee or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

D. Violence and threats of violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor, Department Head or Venue Manager. This includes threats by employees, as well as threats by customers, vendors, solicitors, or members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

E. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work site, contact the Police Department immediately.

F. ORDA will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, ORDA may suspend employees pending an investigation.

G. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment or expulsion from ORDA operated facilities.

H. ORDA encourages employees to bring their disputes or differences with others to the attention of their supervisors, Venue Managers or the President/CEO before the situation escalates into violence. ORDA is eager to assist in the resolution of said disputes and/or differences.



DISCRIMINATION AND SEXUAL HARASSMENT POLICY

It is the policy of the Olympic Regional Development Authority to provide and maintain a working environment free of sexual and/or any other illegal harassment, discrimination, and/or intimidation of any employee, job applicant, or non-employee. We do not accept or condone illegal discriminatory actions nor actions of sexual harassment by management or any employee of ORDA, or by non-employees.

Discrimination and sexual harassment are illegal under Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), and the New York State Human Rights Law, as amended ("Human Rights Law"), and local laws as they may apply to ORDA.

The Human Rights Law applies to all State agencies and employees, and provides very broad anti-discrimination coverage. The Law provides, in section 296.1(a), that it is an unlawful discriminatory practice "[f]or an employer or licensing agency, because of the age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status or domestic violence victim status of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment." The Law further provides, in sections 296.15 and 296.16, protections from employment discrimination for persons with prior conviction records, or prior arrests, youthful offender adjudications or sealed records.

The Olympic Authority will not tolerate any discriminatory and/or harassment of its employees which is in violation of either Title VII and/or the Human Rights Law, and will take affirmative steps to stop it. All personnel actions and conditions of employment are administered without regard to race, color, religion, national origin, age, sex, disability, pregnancy, veteran status or sexual preference, and any other protected class under Title VII and/or the Human Rights Law as they may be amended from time to time. Furthermore, sexual harassment in any form is prohibited and will not be tolerated. Anyone who engages in illegal discrimination/ harassment, or sexual harassment will be subject to discipline up to and including discharge. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other conduct, either verbal or physical, of a sexual nature that is offensive to another individual.

You have the right to make a complaint if you feel you have been discriminated against, harassed, or sexually harassed. A complaint form is attached hereto and may also be obtained from your venue payroll office or ORDA's Human Resources office. Directions on how to file a complaint and who to submit it to are contained on the form itself. An immediate investigation of the allegations will be conducted and corrective action taken where warranted. To the extent possible, this investigation will be conducted in a confidential manner that protects the identity of both the person filing the complaint and the person accused.

If it is determined that an employee is guilty of harassing another employee, or non-employee, appropriate disciplinary action will be taken against the offending person.

ORDA prohibits any form of retaliation against any employee who files a bona fide complaint or witnesses assisting in an investigation.

You may request further information about the policy and procedure for investigating claims of sexual harassment and/or discrimination from the Human Resource Office.

HOW TO FILE A COMPLAINT

Internal:

Governor's Office of Employee Relations (see attached form) <http://www.orda.org/corporate/contact.php>

External:

NYS Division of Human Rights

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment (three years for claims of sexual harassment). If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Filing a complaint via ORDA's complaint procedure does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov. You may also contact DHR at (888) 392-3644 or visit www.dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Equal Employment Opportunity Commission (EEOC)

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-6694000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

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



Governor's Office of Employee Relations
 Anti Discrimination Investigations Division
 Empire State Plaza
 Agency Building 2
 Albany, New York 12223
antidiscrimination@goer.ny.gov

New York State Employee Discrimination Complaint Form

Instructions: Use this form to file a claim of discrimination based on race, color, national origin, creed/religion, age, disability, military status, arrest/criminal conviction record, marital/familial status, predisposing genetic characteristics, pregnancy and related conditions, domestic violence victim status, gender/sex, sexual harassment, sexual orientation, gender identity, and/or retaliation.

Complete and return this form to the **Governor's Office of Employee Relations, Anti Discrimination Investigations Division.**

Section 1: Complainant Information

Full Name Preferred Email Address (for complaint related communications)

Agency/Employer Title/Business Unit/Facility Work Schedule (days/hours)

Work Location/Address Work Phone #

Home Address Personal Phone #

Section 2: Supervisory Information

Immediate Supervisor Name Title

Work Location/Address Work Phone #

2nd Level Supervisor Name Title

Work Location/Address Work Phone #

Section 3: Details of Claim

1. Your claim of discrimination is based upon (check all that apply):

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Age | <input type="checkbox"/> Marital/Familial Status | <input type="checkbox"/> Gender/Sex |
| <input type="checkbox"/> Color | <input type="checkbox"/> Disability | <input type="checkbox"/> Predisposing Genetic Characteristics | <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Military Status | <input type="checkbox"/> Pregnancy and Related Conditions | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Creed/Religion | <input type="checkbox"/> Arrest/Criminal Conviction Record | <input type="checkbox"/> Domestic Violence Victim Status | <input type="checkbox"/> Gender Identity |
| | | | <input type="checkbox"/> Retaliation (for having engaged in a protected activity) |

2. Your claim of discrimination is made against:

Name 1 Title

Agency Facility/Work Location Work Phone

Relationship to you: Supervisor Co-worker Subordinate Other → Please Specify:

Name 2 Title

Agency Facility/Work Location Work Phone

Relationship to you: Supervisor Co-worker Subordinate Other → Please Specify:

Continued --->



New York State Employee Discrimination Complaint Form

3. Date(s) discrimination occurred:

Is the discrimination continuing?

Yes No

4. Please describe the alleged discriminatory conduct and the reasons the conduct is discriminatory. Please include the names of witnesses, if any, and attach supporting documentation, if available. Attach additional pages, if necessary.

5. Have you filed a claim regarding this complaint with a federal, state, or local government agency?

Yes No

6. Have you instituted a legal suit or court action regarding this complaint?

Yes No

7. Have you hired an attorney with respect to the allegations in the complaint?

Yes No

8. This complaint form was completed by:

- Complainant
- Supervisor/Manager
- Affirmative Action Administrator

Signature

Date

Return the completed form (by email or mail) to
the Governor's Office of Employee Relations, Anti
Discrimination Investigations Division:

Empire State Plaza
Agency Building 2
Albany, New York 12223
antidiscrimination@goer.ny.gov



**Governor's Office
of Employee Relations**

Gender Identity in the Workplace: A Toolkit for New York State Employees

Course

March 2021
For Training Purposes Only

Synopsis

Overview and Disclaimer (pg 4)

Anti-discrimination and Reasonable Accommodations

Language Primer (pg 5)

Important Terms and Acronyms: From AFAB to Transitioning

Information for Supervisors and HR Personnel (pg 8)

Dress and Grooming: Everyone has the right to choose when they want to begin dressing or living in a manner consistent with their gender identity. Agencies must allow them to do so regardless of whether they take steps to make a medical or legal transition. State agencies may not require that employee dress codes, uniforms, grooming, or appearance standards differ based on gender identity, sex, or sex stereotypes. Dress codes must be applied consistently regardless of gender or gender identity.

Signage Greetings and Introductions: New York State employees look to management to model inclusive workplace culture. Supervisors and HR personnel are often considered management and are encouraged to think about ways to display inclusive behavior. This could include actions such as displaying visible literature, signs, or posters that show they are knowledgeable and open to talking about transgender and gender nonconforming (TGNC) or LGBTQ+ issues. Supervisors and HR personnel can also demonstrate inclusive workplace culture by being intentional about their greetings and introductions in person, over the phone, and/or in e-mail. Greetings that use gender-neutral language are preferred

Bathroom Facilities and Program Policies: State agencies must allow employees to use gender-separated facilities, such as bathrooms and locker rooms, and to participate in gender-separated programs consistent with their gender identity regardless of their appearance, anatomy, medical history, sex assigned at birth, or gender indicated on identification and without requiring proof of gender identity. Agencies are encouraged to provide a gender-neutral option for segregated facilities when possible. However, individuals must be allowed to use the facility or service that corresponds with their gender identity

Resumé Review and Interviews: Supervisors and HR personnel must evaluate potential employees based on their skills and qualifications for a position regardless of their gender identity or sex. It is illegal for supervisors to make decisions about employment based on sex stereotypes. During the interview process, supervisors and HR personnel should not assume an individual's gender identity or the pronouns they use based on the name listed on their résumé, their work experience in a particular field/employer, and/or the way they look during the hiring and interview process. The only way to know an individual's gender identity or the pronouns they use is if they tell you. During the interview process, it is appropriate to use the individual's name until you know the correct pronouns to use. Deliberate misuse of pronouns or names is unlawful discrimination. Interviewers can introduce themselves with their pronouns to normalize this discussion.

Employment ID, Records, and Systems: Employees may wish to change the name associated with systems used for their employment. Some changes can be made without a name change court order. If an employee without a name change court order asks about changing their name in various employment systems, the supervisor or HR personnel should advise the employee of which systems can be changed without an order. HR personnel should be able to update items such as a website, organizational charts, agency intranet, name placards, and mailing lists without encountering barriers related to the name change.

Medical Leave and Confidentiality: Transgender and gender nonconforming (TGNC) individuals may request time off from work for medical reasons related to their TGNC status. In keeping with appropriate behavior towards all personnel, supervisors should permit the use of appropriate leave for TGNC individuals to attend appointments and rehabilitation related to their gender identity or transition. Supervisors should treat time off for medical appointments, procedures, rehabilitation, and reasonable accommodations in the same manner as requests for other health or medical conditions. If another employee asks about a transgender individual's absence while they are undergoing medical treatment, supervisors and HR personnel should answer the question like any other question about leave. For example, a supervisor could say, "They are on leave until X date and, as with any medical leave, it's not appropriate to discuss why."

Transition Planning: Employees who decide to transition or use a new name, gender pronoun, and/or affirm a new gender identity have a right to do so and receive support from management. Supervisors and HR personnel should proactively discuss how their agency handles transition planning with agency leadership, rather than wait for an employee to approach them with questions.

What Not to Do: Outing an individual, forcing an individual to discuss or explain their transition with other employees; forcing an employee to act in ways inconsistent with their gender or gender identity; continuing to intentionally refer to an individual using a different name or pronoun than what the employee has stated what they would like to be called.

Serving Transgender and Gender Nonconforming Customers (pg 14)

Greetings and Communications: Many common terms used to address individuals and groups are gendered. Using these terms can result in misgendering or excluding people, especially those who are part of the transgender and gender nonconforming (TGNC) communities.

Forms, Promotional Materials, Written Materials, and Signage: Many agencies use standardized forms of communication to interact with customers. Agencies need to review all standardized documents, templated language, and signage to ensure that it is inclusive of people of different genders. A key aspect of customer service is that services are provided in a relevant, inclusive, and appropriate manner. Your agency's ability to provide excellent customer service is impaired when its language is not reflective of the communities it serves.

Gender Segregated Facilities: Some New York State agencies provide facilities or services that are segregated by sex or gender. Whenever possible, agencies are encouraged to provide a gender-neutral option for these segregated facilities. NYS law requires that individuals be allowed to use the facility or service that corresponds with their gender identity. For example, a person who identifies as a transgender man must be permitted to use a men's bathroom regardless of their gender presentation or expression. If a person asks for assistance or directions in accessing gender-separated services or facilities, you should ask the person which service or facility they want to use and provide guidance based on their response.

Personal vs. Professional Values: Discrimination against an individual based on a protected class status is illegal. Transgender and gender nonconforming (TGNC) individuals are members of a protected class. Therefore, while New York State recognizes each employee's right to hold their own beliefs or opinions, employees are prohibited from acting in a discriminatory manner. Employees also must not allow their beliefs or opinions to impact their ability—or their colleagues' abilities—to perform their job duties.

Everyday Language: Do not assume a person's gender, gender identity, or pronouns. Use the name and pronoun the customer provides to you. Intentionally using an incorrect pronoun or name may be harassment or discrimination. It is not possible to know if someone is transgender, gender nonconforming, and/or nonbinary unless they tell you. You should apply these best practices to ensure you are serving all customers in a respectful and inclusive manner.

Names and Pronouns (pg18)

The way you address people can have a significant impact on whether your interactions are viewed as positive and respectful. For people who are transgender, gender nonconforming, or nonbinary, this topic often has a more significant impact because they are more frequently addressed or referred to incorrectly. You should stay informed about terms and vocabulary used to address others.

Appropriate Pronoun Use: Some people find it confusing or uncomfortable to discuss pronouns. Many people have been exposed to only two options—he and she—and have believed those two options had very specific meanings. This belief was that people classified as male or assigned a male gender used the pronoun he and people who classified as female or assigned a female gender used the pronoun she. As our understanding of sex and its relation to gender shifts, so does the language that we use. The three most commonly used pronouns to refer to individuals are he, she, and they. Some people may consistently use only one of these pronouns; others may use several pronouns to best reflect their identity.

How to Be an Ally (pg 24)

The term *ally* can refer to being a supporter or advocate for any protected class or marginalized group, such as the lesbian, gay, bisexual, transgender, or queer (LGBTQ+) communities. For the purposes of this Toolkit, allyship specifically references being an ally to the transgender and gender nonconforming (TGNC) communities. Being an ally means using inclusive language and showing respect for members of the TGNC communities through your actions and words.

Transition Planning and Assistance for TGNC Employees (pg 30)

If you decide to transition or use a new name, gender pronoun, and/or affirm a new gender identity, you have a right to do so and receive support from your employer. You have a right to express your gender or gender identity through your clothing style, grooming habits, and name and pronoun choice. While you have a right to keep information regarding your transition confidential, you are encouraged to provide information, including education, to co-workers and key personnel to the extent you feel comfortable.

Additionally, once you are comfortable disclosing information about your gender identity, expression, use of a new name or pronoun, or transition, you are encouraged to inform key personnel so they are better able to support you. Your first point of contact may be your supervisor, a HR professional, or another manager. You may also consider talking to a supportive co-worker who can work with you to develop a workplace transition plan.

EAP: 1-800-822-0244 (Statewide)

Overview and Disclaimer

It is the policy of the state of New York to provide for and promote equal opportunity in employment and equal access to all programs and services without discrimination on the basis of age, race, color, national origin, sex, sexual orientation, gender identity, creed, military status, disability, marital status, domestic violence victim status, predisposing genetic characteristics, arrest record, previous conviction record, and any other status or condition protected by law.

Reasonable accommodations are available, upon request, in all aspects of state training, consistent with the Americans with Disabilities Act and the New York State Human Rights Law, to ensure that every individual is able to gain maximum benefit from the training experience.

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It is important that New York State employees are informed about the protections in place for transgender and gender nonconforming (TGNC) individuals. You should be aware of best practices for addressing changing workplace policies and cultures that relate to our TGNC colleagues and customers. This Toolkit will help you get started.

Language Primer: Terms, Definitions, and Acronyms

Language evolves, and it can be challenging to keep up with terms, phrases, and acronyms. This language primer is not intended to be an exhaustive list. It is intended to provide you with a basic understanding of commonly used terms relating to the transgender and gender nonconforming (TGNC) communities. You should use this resource to ensure that TGNC customers and employees are identified, described, and addressed in an accurate manner. It is a best practice to use the language that individuals use to describe themselves.

AFAB (adj.): Acronym meaning "assigned female at birth." Sex classification at birth is usually based on physical anatomy, genitalia, and karyotyping (genetic testing).

Agender (adj.): An umbrella term that includes many different genders of people who identify as having no gender or having a gender that they describe as neutral. Many agender people also identify as transgender.

AMAB (adj.): Acronym meaning "assigned male at birth." Sex classification at birth is usually based on physical anatomy, genitalia, and karyotyping (genetic testing).

Binary (adj.): A system of viewing gender as consisting of two, opposite categories, termed "male and female," in which no other possibilities for gender or anatomy are recognized.

Birth name (noun): A term used by people who have changed their name to reference the name they were given at birth. Many members of the TGNC communities do not like to have their birth name referenced and find it to be upsetting and disrespectful for others to do so (see Deadname).

Cisgender (adj.): A term used to describe a person whose gender identity aligns with what is expected of them in their culture based on the sex assigned to them at birth. The prefix cis- means "on this side of" or "not across."

Coming out (verb): The process by which an individual chooses to share their sexual orientation or gender identity with others.

Deadname (noun): A term used by some people who have changed their name to reference the name they were given at birth (see Birth name). Many members of the TGNC communities do not like to have their deadname referenced and find it to be upsetting and disrespectful for others to do so.

Enby (adj./noun): An abbreviated term to refer to someone who is nonbinary. The term originates from the phonetic sound of the initials NB.

Gender (noun): A term referring to the socially constructed system of categorizing people according to a range of characteristics often associated with masculinity or femininity. These characteristics may include social structures, attitudes, feelings, behaviors, and/or appearance. Different cultures and societies have different understandings of gender.

Gender Affirming Treatment/Health Care (noun): Any number of treatments including use of hormones or surgeries to change a person's characteristics or appearance to better reflect their gender identity.

Gender Expression (noun): External appearance of one's gender identity, usually expressed through behavior, clothing, haircut, and/or voice. It may or may not conform to socially defined behaviors and characteristics typically associated with the sex assigned to an individual at birth.

Gender Fluid (adj.): A person whose gender identity and presentation shifts or is not fixed.

Gender Identity (noun): An individual's concept of self as male, female, a blend of both, or neither. One's gender identity can be the same or different from their sex assigned at birth. An individual's gender identity may be consistent for their whole life or may change over time.

Gender Nonconforming (adj.): A broad term referring to people who do not behave in a way that conforms to traditional or societal expectations of their gender. It also includes people whose gender expression does not fit neatly into any one category. Expectations of gender vary across cultures and have changed over time.

Genderqueer (adj.): A term that a person may use to describe themselves as having a gender identity and/or gender expression that falls outside of cultural or societal expectations for their assigned sex. A person who does not identify as male or female, or who identifies as a combination of different genders, may also use this term. Some use genderqueer as an umbrella term. Individuals also use it to express their identity.

LGBTQ+ (adj.): An acronym commonly used to represent the lesbian, gay, bisexual, transgender, and queer communities. Other variations exist, including LGBT and LGBTQIA (referring to intersex and asexual). They all refer to the communities of people who do not identify as heterosexual, do not identify as cisgender, or do not identify as either.

Misgendering (verb): Attributing a gender to someone that is incorrect or does not align with their gender identity.

Nonbinary (adj.): An adjective describing a person who does not identify solely as a man or a woman, but may identify as both, as a combination, and/or as another gender. Many nonbinary individuals also identify as transgender, but some do not.

Out (adj/verb): The status of making one's sexual orientation or gender identity known to others. An individual may choose to be out in some situations (such as among friends), but not others (such as at work). Examples: I am generally out at work (adj). I don't want someone to out me in a religious setting (verb).

Outing (verb): The act of exposing someone's lesbian, gay, bisexual, or transgender identity to others without their permission.

Queer (adj.): The term queer can include a variety of sexual orientations and gender identities that are anything except heterosexual and cisgender. In the past, the word queer was used to hurt and insult people. Some people find it offensive, particularly those who remember when the word was used in a painful way. Others use the word with pride to identify themselves. If you are unsure if it is appropriate to use queer to describe a person or a group of persons, ask them what label(s) they use for themselves.

Sex (adj.): The classification of people as male, female, or intersex, based on physical anatomy, genitalia at birth, and/or karyotyping. One's sex does not determine their gender, gender identity, or gender expression.

Sexual Orientation vs. Gender Identity: Sexual orientation refers to an individual's attraction to another person romantically, emotionally, and sexually. Common sexual orientations include heterosexual (straight), gay, lesbian, bisexual, and asexual.

Sexual orientation is different than gender identity. Sexual orientation is about who you want to be with. Gender identity is about who you are. This means that being transgender is not the same thing as being gay, lesbian, or bisexual, although some transgender individuals also identify as gay, lesbian, bisexual, queer, or asexual. Every individual has both a sexual orientation and a gender identity.

TGNC (adj.): An acronym used to refer to people who fall under the trans and gender nonconforming umbrella. This term can include people who are nonbinary, gender fluid, or genderqueer.

Trans (adj.): An abbreviated term commonly used to reference transgender individuals.
(See Transgender.)

Trans feminine (adj.): An umbrella term that describes anyone who identifies as more feminine than masculine, where that identification is different than societal or cultural expectations based on their sex assigned at birth. This term may include some trans women as well as nonbinary people or people who identify with another gender.

Trans masculine (adj.): An umbrella term that describes anyone who identifies as more masculine than feminine, where that identification is different than societal or cultural expectations based on their sex assigned at birth. This term may include some trans men as well as nonbinary people or people who identify with another gender.

Transgender man or trans man (noun): An individual who identifies as a man and who was assigned a different gender at birth. Trans men may also use the term female-to-male (FTM or F2M) to describe their identity, but trans man is used more frequently because it respects the individual's current identity rather than a previous one.

Transgender woman or trans woman (noun): An individual who identifies as a woman and who was assigned a different gender at birth. Trans women may also use the term male-to-female (MTF or M2F) to describe their identity, but trans woman is used more frequently because it respects the individual's current identity rather than a previous one.

Transgender (adj.): An umbrella term for people whose gender identity and/or expression is different from cultural expectations based on their sex classification. Transgender is often abbreviated to trans. Being transgender does not imply any specific sexual orientation. Transgender people may identify as straight, gay, lesbian, bisexual, et cetera.

Transitioning (verb): The processes by which an individual changes from one gender to another. There are three general aspects to transitioning: social (e.g., name, pronouns, interactions), medical (e.g., hormones, surgery), and legal (e.g., gender marker, name change). A trans individual may pursue any combination, or none, of these as part of their transition.

Information for Supervisors and Human Resources Personnel

While it is expected that all New York State employees will treat their transgender and gender nonconforming (TGNC) colleagues appropriately, supervisors and Human Resources personnel have even greater responsibilities. They play a critical role in providing guidance to TGNC individuals and ensuring that policies regarding TGNC individuals are enforced.

Dress and Grooming Policies

Dress codes, grooming practices, uniforms, appearance standards, and choice of clothing may be important for transgender and gender nonconforming (TGNC) employees to affirm their gender identity and expression. Additionally, if an individual is beginning to transition, they may start to dress, live, and act in accordance with the gender with which they identify prior to undergoing any gender-affirming medical treatment. Everyone has the right to choose when they want to begin dressing or living in a manner consistent with their gender identity. Agencies must allow them to do so regardless of whether they take steps to make a medical or legal transition.

State agencies may not require that employee dress codes, uniforms, grooming, or appearance standards differ based on gender identity, sex, or sex stereotypes. Dress codes must be applied consistently regardless of gender or gender identity.

Example: Rae identifies as a lesbian woman. She usually wears a button-down shirt and dress pants to work. One day, Rae wears a button-down shirt with a skirt. When she gets to the office, her co-workers make comments about her "interesting new look" and uncomfortably stare at her legs. Rae feels that this might be because of her leg hair. Later that day, Rae's supervisor calls her into his office. He tells her that she should not wear a skirt unless she shaves her legs because it is "unprofessional."

Rae's supervisor is imposing a different grooming policy on Rae based on her gender. His idea of professionalism is based on the sex stereotype that women should not have body hair. Supervisors should apply policies about appearance and grooming standards equally, regardless of gender, gender identity, sex, or sex stereotypes. State agencies are encouraged to evaluate their dress code, uniform, grooming, and/or appearance policies and determine if the policies are necessary for the job position.

Example: Jesse is a transgender man who works in a job with two slightly different sets of uniforms; one set is usually issued to men and the other is usually issued to women. When Jesse requests to wear the "men's" uniform, his supervisor says "of course" and promises to follow up. The supervisor then informs Jesse that she is sorry, but they do not make the men's uniform in a size small enough for him. She then says that the differences between the two sets of uniforms are not that noticeable. The supervisor asks Jesse if he would be willing to wear the women's uniform instead.

Agencies may provide different uniform options for employees, such as one uniform shirt that is styled like a blouse and another that is styled like a button-down. However, it is prohibited to require an employee to wear one style over another because of gender, sex, or sex stereotypes. In general, each uniform style should be available to all employees regardless of gender identity. State agencies must allow employees to dress consistently with their gender identity. Agencies may need to special order specific sizes for employees if they do not have them available.

Signage, Greetings, and Introductions

New York State employees look to management to model inclusive workplace culture. Supervisors and Human Resources personnel are often considered management and are encouraged to think about ways to display inclusive behavior. This could include actions such as displaying visible literature, signs, or posters that show they are knowledgeable and open to talking about transgender and gender nonconforming (TGNC) or LGBTQ+ issues.

Supervisors and Human Resources personnel can also demonstrate inclusive workplace culture by being intentional about their greetings and introductions in person, over the phone, and/or in e-mail. Greetings that use gender-neutral language are preferred.

Another best practice is for supervisors and Human Resources personnel to consider providing their own gender pronouns during introductions; this demonstrates and normalizes the importance of using correct pronouns in the workplace. For example, "My name is Jenny. I work in the Human Resources department, and I use the pronouns she/her/hers." Including gender pronouns in meeting introductions should always be optional since it can force transgender employees to out themselves.

It is a violation of the State's antidiscrimination policy to refuse to refer to an individual by their name and designated pronouns. It is also a violation of the State's Human Rights Law to deliberately not refer to an individual by their requested name and pronouns with or without a legal name change.

See <https://dhr.ny.gov/genda>.

For more information on the topic of gender-neutral greetings and introductions, see *Serving Transgender and Gender Nonconforming Customers*.

Bathrooms, Facilities, and Program Policies

State agencies must allow employees to use gender-separated facilities, such as bathrooms and locker rooms, and to participate in gender-separated programs consistent with their gender identity regardless of their appearance, anatomy, medical history, sex assigned at birth, or gender indicated on identification and without requiring proof of gender identity. Agencies are encouraged to provide a gender-neutral option for segregated facilities when possible. However, individuals must be allowed to use the facility or service that corresponds with their gender identity. Failure to permit this is an unlawful discriminatory practice under the State's Human Rights Law.

Consistent with a recently-enacted law, all single occupancy bathrooms in State-owned or -operated buildings and office spaces are required to be gender neutral. Agencies having single occupancy bathrooms that are not signed as gender neutral should contact the Office of General Services for new signage.

Example: Charlie identifies as nonbinary and uses the pronouns they/them/theirs. The only gender-neutral bathroom at their worksite is on a different floor. Charlie chooses to use the nearby women's bathroom because that is where Charlie feels the safest. One day, a new colleague enters the bathroom and gasps. Looking at Charlie, she asks, "Am I in the right bathroom?" Later, she complains to Charlie's supervisor about there "being a man in the women's bathroom." The supervisor calls Charlie into her office and asks Charlie if they can use the gender-neutral bathroom from now on because other employees are uncomfortable using the same bathroom as them. When Charlie refuses, the supervisor says, "What does it say on your driver's license? Show me some proof and then you can use the women's bathroom."

The supervisor should not have asked Charlie to use the gender-neutral bathroom because another employee was uncomfortable. Charlie has a right to use the bathroom most consistent with their gender identity and safety, regardless of appearance, anatomy, medical history, sex assigned at birth, or gender

shown on identification. Supervisors cannot require proof of gender identity before allowing an individual to use a gender-separated facility or program. Furthermore, State agencies can make gender-neutral bathrooms accessible to all employees without logistical barriers, such as significant travel time to another floor, department, or building.

The agency cannot require a transgender and gender nonconforming (TGNC) person to use a different bathroom to accommodate a complaining employee or customer. If an individual expresses discomfort with sharing a gender-separated facility, the agency may accommodate that individual by allowing them to use a single-occupancy facility, such as a family-style or accessible bathroom.

The Governor's Office of Employee Relations can answer any questions concerning facilities or bona fide occupational qualifications for a position.

Résumé Review and Interview Process

Supervisors and Human Resources personnel must evaluate potential employees based on their skills and qualifications for a position regardless of their gender identity or sex. It is illegal for supervisors to make decisions about employment based on sex stereotypes.

During the interview process, supervisors and Human Resources personnel should not assume an individual's gender identity or the pronouns they use based on the name listed on their résumé, their work experience in a particular field/employer, and/or the way they look during the hiring and interview process. The only way to know an individual's gender identity or the pronouns they use is if they tell you. During the interview process, it is appropriate to use the individual's name until you know the correct pronouns to use. Using incorrect pronouns or misgendering a candidate could make the applicant view the agency as a disrespectful place of employment. Deliberate misuse of pronouns or names is unlawful discrimination. Interviewers can introduce themselves with their pronouns to normalize this discussion. For more information on pronoun use, please see *Names and Pronouns: Talk to Me*.

Employers should be aware that transgender and gender nonconforming (TGNC) employees may have records that do not match their current name or gender, such as college transcripts, military service records, or professional certifications, because these are often difficult or impossible to change.

Additionally, when making an offer of employment, it may be appropriate to proactively ask the employee how they want their name listed on workplace identification, such as a company directory or nameplate.

Example: Sal is a cisgender woman who applies for an executive assistant position. She attends the interview with her hair cut short, no make-up or jewelry, and wearing a suit, tie, and wingtip shoes. After Sal greets the receptionist at the front desk, she hears the receptionist ask the management team, "Are you ready for your 3:00 candidate? He's here at the front desk."

The receptionist assumes Sal's pronouns and gender identity based on Sal's gender presentation and appearance. Determining how to address an individual and what pronouns to use should be based on the name and pronouns expressed by the individual and never on gender identity, expression, appearance, sex stereotypes, or transgender status.

Employment Identification, Records, and Systems

Employees may wish to change the name associated with systems used for their employment. Some changes can be made without a name change court order. Here are examples of items that can be changed without a court order and examples of items that require one.

No Court Order Required	Court Order Required
E-Mail Address	State ID
SLMS E-Mail Address	Driver's License
Name Placard	Payroll Forms
Website Pages/Directories	Tax Forms
Organizational Charts	LATS
Mailing Lists	Health Insurance
	Retirement Benefits
	SLMS Account Information

If an employee without a name change court order asks about changing their name in various employment systems, the supervisor or Human Resources personnel should advise the employee of which systems can be changed without an order. Human Resources personnel should be able to update items such as a website, organizational charts, agency intranet, name placards, and mailing lists without encountering barriers related to the name change.

To change an e-mail address, the employee should send a help desk ticket to ITS stating that they are requesting a name change. No documentation is needed for an individual to change the name associated with their government e-mail address.

To change the e-mail address associated with their Statewide Learning Management System (SLMS) account, the employee can log in to their SLMS account and update the address in their profile. No documentation is needed to make this change. The name and gender marker used in the SLMS system are generated based on information in NYS Payroll. It cannot be updated until payroll records have been updated.

If an employee has a name change court order, Human Resources personnel can process changes as they would any other name change. Agencies hosted by the Business Services Center (BSC) at the Office of General Services can have employees submit a Personal Data Change Form to BSC to begin the process.

Once an employee has obtained a name change court order, they will need to apply for new identification documents (e.g., driver's license, birth certificate, Social Security card, passport) if they have not already done so. The requirements can be found on each agency's websites:

[New York State Department of Motor Vehicles](#)

[New York State Department of Health](#)

[Social Security Administration](#)

Refusing to change employment records to the lawful name of a transgender person is unlawful discrimination.

Medical Leave and Confidentiality

Transgender and gender nonconforming (TGNC) individuals may request time off from work for medical reasons related to their TGNC status. In keeping with appropriate behavior towards all personnel, supervisors should permit the use of appropriate leave for TGNC individuals to attend appointments and rehabilitation related to their gender identity or transition. Supervisors should treat time off for medical appointments, procedures, rehabilitation, and reasonable accommodations in the same manner as requests for other health or medical conditions.

If another employee asks about a transgender individual's absence while they are undergoing medical treatment, supervisors and Human Resources personnel should answer the question like any other question about leave. For example, a supervisor could say, "They are on leave until X date and, as with any medical leave, it's not appropriate to discuss why."

New York State agencies provide health benefit plans that cover gender-affirming or transition-related care. Employees with specific questions about what their health insurance covers can contact the agency's health benefits administrator or the insurance plan. They can also check the summary of benefits and coverage available on the Department of Civil Service website. Information related to medical leave or health insurance must be kept confidential.

In addition to discussing medical leave or insurance requests, TGNC employees have the right to discuss their gender identity or expression and to have that information kept private. Employees have the right to decide when, with whom, and how much of their private information to share, including information about their gender identity, expression, sex assigned at birth, transgender status, and medical history. This information can constitute confidential medical information that is protected under various state and federal laws including, but not limited to, the Americans With Disabilities Act, the Family and Medical Leave Act, and New York Labor Law.

Supervisors, Human Resources personnel, and co-workers cannot share information that may reveal an employee's confidential medical information to others. Any supervisor, Human Resources personnel, or co-worker must obtain the TGNC employee's consent prior to disclosing any confidential information. Gossip or speculation about an individual's gender identity is inappropriate and may be an unlawful discriminatory practice.

Transition Planning: Guidance for Supervisors and Human Resources Personnel

Employees who decide to transition or use a new name, gender pronoun, and/or affirm a new gender identity have a right to do so and receive support from management. Supervisors and Human Resources personnel should proactively discuss how their agency handles transition planning with agency leadership, rather than wait for an employee to approach them with questions.

Supervisors and Human Resources personnel may be the first point of contact for an individual who feels comfortable disclosing information about their gender identity, expression, use of a new name or pronoun, and/or transition. In these situations, keep in mind that the employee's needs may change over time. To address their initial needs, the employee may develop a plan that includes several components. Supervisors and Human Resources personnel must be prepared to help the employee with:

- Identifying stakeholders, such as supervisors, coworkers, or constituents who the employee may need to engage in the process;
- Creating a communication and timing plan;

- Working with the employee to identify which workplace records, systems, and/or forms of identification need to be changed. See Employment Identification, Records, and Systems for more information;
- Determining the date on which the employee wants to begin using a new name or presenting themselves in a manner consistent with their gender identity;
- Identifying periods where the employee may need to use leave or may need reasonable accommodations due to gender identity, expression, transitioning, or transgender status;
- Identifying any specific areas of high priority or concern that require immediate attention; and
- Identifying a main point of contact for communications (i.e., will it be the employee or a member of their support team?).

Supervisors and Human Resources personnel should work with the employee to create a plan that works for them and the agency. The plan may include a legal name change or may only include changes that can be made without a legal name change. It is important to be aware that each individual has a different experience, that their experience and needs may change over time, and that Human Resources personnel should help them transition in the workplace as easily as possible.

Supervisors and Human Resources personnel wanting further guidance may also wish to contact the Employee Assistance Program (EAP). EAP is a confidential, worksite-based program designed to help State employees with the everyday issues involved in balancing work and life as well as more serious problems that may impact work performance. EAP services are confidential, voluntary, and offered at no cost to employees and their families. EAP coordinators consult with management, supervisors, and union leaders about workplace issues, the benefits of early referral to EAP, and how to make a referral.

Employee Assistance Program: 1-800-822-0244

What Not to Do

Certain actions are never acceptable in response to an employee transitioning in the workplace and may be a violation of the law. Examples include:

- **Outing an individual.** Information about an employee's gender identity, gender expression, sex assigned at birth, previous name or gender pronouns, transition, medical information, reason for medical leave or accommodations, and/or transgender status should not be shared without the employee's consent. Supervisors or Human Resources personnel may learn about an employee's transgender status or medical information during the normal course of business; this information may constitute confidential medical information that is protected under State and federal law. It should always be kept confidential.
- **Forcing an individual to discuss or explain their transition with other employees.** An individual cannot be required to discuss or explain their transition, gender identity, expression, and/or transgender status. It is never appropriate to force a transgender employee to educate other employees about their identity. Managers and Human Resources personnel should consider providing training opportunities to employees who need more information.
- **Forcing an employee to act in ways inconsistent with their gender or gender identity.** Employees have the right to use the name, pronouns, title, bathroom, and facility that aligns with their gender identity. They also have a right to dress in accordance with their gender identity and agency policy.

- **Continuing to intentionally refer to an individual using a different name or pronoun than what the employee has stated what they would like to be called.** This could constitute unlawful discrimination.

Please review the [New York State Equal Employment Opportunity Handbook](#) for more information on employee rights and responsibilities.

Serving Transgender and Gender Nonconforming Customers

All New York State agencies and offices should strive to provide outstanding, inclusive, and accessible service to its customers. It is important to routinely examine the ways in which the agency interacts with its customers and make any necessary modifications. This topic provides guidance on how to do so.

Greetings and Communication

Many common terms used to address individuals and groups are gendered. Using these terms can result in misgendering or excluding people, especially those who are part of the transgender and gender nonconforming (TGNC) communities. The following suggestions include best practices for greeting and communicating with others in a respectful and inclusive manner:

E-mail: When communicating by e-mail, it is common to use terms like Mr. Smith or Mrs. Martinez instead of first names. However, if the individual has not yet introduced themselves to you using a formal prefix (e.g., Mr. or Mrs.), it is not appropriate to assume. You should use the person's full name or a greeting that omits a gendered description.

A customer sends an e-mail to your agency asking about your services and signs the e-mail Charlie Morris. When responding to the e-mail, the following introductions are examples of ways to respectfully address Charlie without assuming their gender:

- Dear Charlie Morris
- Dear Valued Customer
- Good Afternoon
- Thank you for contacting us

Speaking to a person or group of people: When beginning a conversation with a group of individuals, use greetings that are not gendered. For example, terms such as ladies and gentlemen, guys, or ladies can exclude or misrepresent people. Instead, you can use the following greetings to create an inclusive, welcoming introduction:

- Good afternoon/good morning
- Hello and welcome
- Greetings to you all
- Good morning/afternoon, folks
- Good morning/afternoon, everyone

When addressing an individual for the first time, you should avoid assuming a gendered designation, such as Mr., Mrs., sir, or ma'am, and use the name they provided instead.

Speaking about a person or group of people: Your job may require you to speak about a person. For example, if a customer has an appointment with someone in your agency, you might contact your

colleague to inform them that the person has arrived. When speaking about someone, avoid using gendered language to describe the person if you do not know their gender. You should use the person's name instead of using a gender marker (e.g., "Sam Walker is here for an appointment," instead of "Mr. Walker is here for an appointment.") For a more thorough discussion of pronoun use, see Names and Pronouns.

Remember, deliberate misuse of pronouns, prefixes, or names is unlawful discrimination.

Forms, Promotional Materials, Written Materials, and Signage

Many agencies use standardized forms of communication to interact with customers. Agencies need to review all standardized documents, templated language, and signage to ensure that it is inclusive of people of different genders.

A key aspect of customer service is that services are provided in a relevant, inclusive, and appropriate manner. Your agency's ability to provide excellent customer service is impaired when its language is not reflective of the communities it serves. The following are some best practices that your agency may consider. These practices are not required and may be changed to fit your agency's population or operational constraints.

Standardized Forms: Best practices for intake forms, questionnaires, surveys, evaluations, or any standardized form that gathers demographic information include:

- If necessary to inquire about a person's gender or gender identity:
 - Use an open-text space and allow people to write in their choice
 - Include options such as male, female, nonbinary, transgender, do not wish to disclose, or not listed here. Allow respondents to select multiple options.
- If asking about a prefix:
 - First, determine if a prefix is necessary
 - If it is, include Mr., Mrs., Ms., Miss, Mx., none, and not listed with an option to fill in
- If asking about a relationship:
 - Include options such as husband, wife, partner, spouse, none, do not wish to disclose, and not listed with an option to fill-in

Written Materials: Review all written agency materials including documents, forms, letters, memos, and curricula, to identify appropriate use of pronouns. Whenever possible, use the gender-neutral pronoun they instead of singular gender pronouns (he or she, his or her) or a combined approach. The gender-neutral they is commonly used in verbal communication and is grammatically correct. It is also reflective of many people's existing speech habits. Instead of his or her, you can also use the individual or the person.

Preferred language examples: When a customer enters your agency, you should ask how you can help them. When a customer enters your agency, you should ask the individual how you can help.

Non-preferred language example: When a customer enters your agency, you should not ask how you can help him or her.

Promotional Materials: If your agency uses posters, flyers, or other methods of advertisement, ensure the language is inclusive of diverse genders and gender identities. Additionally, you should consider the

images used to represent your customer base. Images should reflect the diversity of New York State and include individuals who are part of the transgender and gender nonconforming (TGNC) communities.

Gender Segregated Facilities

Some New York State agencies use or provide facilities or services that are segregated by sex or gender. Whenever possible, agencies are encouraged to provide a gender-neutral option for these segregated facilities. New York State law requires that individuals must be allowed to use the facility or service that corresponds with their gender identity.

For example, a person who identifies as a transgender man must be permitted to use a men's bathroom regardless of their gender presentation or expression. If a person asks for assistance or directions in accessing gender-separated services or facilities, you should ask the person which service or facility they want to use and provide guidance based on their response.

Consistent with a recently-enacted law, State agencies must designate all single occupancy bathrooms in State-owned or -operated buildings and office spaces as gender neutral. Agencies with single occupancy bathrooms that are not signed as gender neutral should contact the Office of General Services for new signage.

In the event that an individual is uncomfortable sharing a gender-separated facility with a member of the transgender and gender nonconforming (TGNC) communities, the agency may accommodate that person by allowing them to use a single-occupancy facility, such as a family-style or accessible bathroom. The agency cannot require the TGNC person to use a different bathroom to accommodate the complaining person.

The Governor's Office of Employee Relations can answer questions regarding other facilities.

Personal vs. Professional Values

Discrimination against an individual based on a protected class status is illegal. Transgender and gender nonconforming (TGNC) individuals are members of a protected class. Therefore, while New York State recognizes each employee's right to hold their own beliefs or opinions, employees are prohibited from acting in a discriminatory manner. Employees also must not allow their beliefs or opinions to impact their ability—or their colleagues' abilities—to perform their job duties.

Your job duties may include providing high-quality customer service to all customers, including those who are members of a protected class. All New York State employees must follow State guidelines and perform their job functions without discriminating against customers based on TGNC or any other protected class status.

Example: Christine recently began living in accordance with her gender identity, using female pronouns she/her/hers, the name Christine, dressing in skirts, and painting her toenails. She just started receiving gender-affirming medical treatment, and some of her physical characteristics are not yet consistent with her gender identity. She is hiking in a local State park and needs to use the bathroom. She stops a ranger on the trail and asks where she can find the closest ladies' room. The ranger is surprised by Christine's request and frustrated that so many people these days seem to want to be different or make "regular folks" uncomfortable. He does not understand how a man could want to dress like a woman—and he does not want women, like his wife, to have to share a bathroom with people like this! He tells Christine, "There is a women's bathroom at the visitor center, but I think it would be best if you use one of the gender-neutral outhouses on the blue trail."

Christine has the right to use a gender-neutral bathroom if she chooses, but she also has the right to use the women's bathroom as that is the facility most consistent with her gender identity. The ranger should have provided Christine with information relating to the women's bathroom that she requested. If the gender-neutral outhouse is closer, then that may be additional information to provide; however, it is not appropriate to imply that a gender-neutral bathroom is a more suitable facility for her to use.

Everyday Language

The Names and Pronouns topic contains helpful information that explains many concepts related to the appropriate use of pronouns and names for all individuals, especially for members of the transgender and gender nonconforming (TGNC) communities. You should review that topic to learn ways to provide better customer service, including:

- Do not assume a person's gender, gender identity, or pronouns.
- Use the name and pronoun the customer provides to you. Intentionally using an incorrect pronoun or name may be harassment or discrimination.
- Name changes often take time. This means that the name a customer uses may not match the name on their identification. People should be addressed using the name they request, even if they have not completed a formal process of changing their name and the associated forms of documentation. Choosing a name can be an important part of transition and may be a continual process. If a customer requests a name that is different from the last name they requested, you should confirm the current name and make the change without comment.
- It is not possible to know if someone is transgender, gender nonconforming, and/or nonbinary unless they tell you. You should apply these best practices to ensure you are serving all customers in a respectful and inclusive manner.

Names and Pronouns: Talk to Me

The way you address people can have a significant impact on whether your interactions are viewed as positive and respectful. In most cases, people have good intentions in how they address others, but they may be afraid to ask questions out of fear of offending someone. For people who are transgender, gender nonconforming, or nonbinary, this topic often has a more significant impact because they are more frequently addressed or referred to incorrectly. You should stay informed about terms and vocabulary used to address others respectfully. This topic will provide you with information and strategies for how to respectfully address people in the workplace.

Say My Name: From Miguel to Maria and Why it Matters

Using the correct name to identify a person is an important part of showing respect. This topic will help you understand the process and significance of name changes for members of the transgender and gender nonconforming (TGNC) communities and the importance of using the correct name when addressing or referencing a person.

How, When, and Why Do Name Changes Occur?

Some people who are transgender, gender nonconforming, and/or nonbinary choose to change their name to one that better reflects the person they are. The process of changing one's name and how people announce their name change varies on an individual basis.

Example: When Jacqueline was born, her parents named her after her grandmother and painted her room pink. From a young age, Jacqueline preferred clothes and toys from the "boy's section" of stores. As Jacqueline grew older, she realized that she neither felt like a woman nor did she identify with being a woman. She also did not feel like a man. She felt somewhere in between. She started to change how she dressed and looked to reflect that feeling. After cutting her hair and starting to dress in a manner that hid her figure, Jacqueline decided that she would prefer to be called Jay because it aligned with her identity. Jay asked friends and family to call her Jay and told them that she was comfortable using the pronouns she/her/hers or he/him/his. Jacqueline made a legal name change to Jay. It took some of Jay's friends and family members time to remember to use the correct name. Over time, they became used to it and many did not remember that Jay ever used a different name.

Each person's reason and method for name and pronoun change may be different, and the outcome may have a direct effect on the mental health of the individual. An individual being called the wrong name or pronoun may experience negative mental health outcomes. It can also result in danger or violence for the individual.

While there is a specific legal process to legally change one's name, many individuals begin their transition with an informal process of simply using a different name. Some individuals change their first name to a name that better reflects their sense of self and their gender identity. Others choose a name that has a special significance, perhaps relating to a family member or mentor. Others choose a name that is similar in spelling or pronunciation to their birth name.

Example: Chris V legally changed his first and last name three years ago. Initially, Chris planned to only change his first name and maintain his last name because he was proud of his family heritage. However, Chris works in a field where being transgender is not accepted, and Chris knew that he could not safely tell his colleagues he is a transgender man. He also knew it would not be a safe work environment if any colleagues did a search of his family last name and learned he was transgender. Therefore, Chris decided to change his entire name to ensure that it would not be easy for others to use the internet to find any links between his past name and his past name and assigned gender, and his current life as a transgender man.

Some people choose to informally change their name while others choose to legally change their name. Legal name changes take time and resources. A legal change is not required for an individual to adopt a chosen name to be used when addressing them.

Once a person has decided upon a name, they need to decide how and when they will begin using that name and asking others to do the same. Some individuals prefer to change their e-mail signature or mention it one-on-one in casual meetings. Others prefer to make a more formal announcement and explain their choice and process. Some people start using a different name before changing any aspect of their physical appearance. Others wait until they are dressing differently or pursuing gender-affirming health care to begin using a new name. Others may not change their physical appearance and just wish to use a different name or pronouns.

If you are unsure of what name a person is using, approach the person in a private setting and respectfully ask what they would like to be called. Most people prefer to be asked than to be addressed incorrectly. Asking in a private space avoids accidentally outing someone or bringing attention to the use of a new name.

As with all stages of changing a name (or pronoun, which is discussed under pronouns), each person chooses how to work through this process. You should be respectful and not make assumptions about when or why an individual should or should not announce a name change.

Regardless of whether someone has legally changed their name or when they announce their name change, it is not appropriate to continue to call someone by a name they no longer use. To continue to call someone a different name than what they have requested is disrespectful, displays poor customer service, and may constitute harassment or discrimination.

Chosen Names, Birth Names, and Dead Names

Once a person has informed you of the name they use, you should use that name going forward and stop using the previous name. If this is a person whom you have known for some time, it may take you a while before you get used to the person's name; however, it is not appropriate to reference the prior name or disclose it to others. If you accidentally use the wrong name, it is best to apologize and recommit to learning the chosen name.

Many people refer to their new name as their name. However, in the context of discussing name changes, it may also be called a *chosen name*.

The name that a person was previously known by is referred to as a birth name or a deadname. There is no correct term for this type of name; each person uses the label that they feel is most appropriate.

The term *birth name* refers to the name given to the individual at birth. The term *deadname* references the feeling that the name represents a person or an identity that is no longer valid. Many people who use the term *deadname* have negative associations with that name and the identity connected with it.

Using the correct name is important for several reasons:

- It is a sign of respect to address someone by their chosen name. To intentionally call someone by the wrong name may constitute harassment or discrimination.
- Not all transgender and gender nonconforming (TGNC) people are out in the workplace. By using an incorrect name, you may out that person to colleagues that the person is a member of the TGNC communities.
- The correlation between affirming a person's gender identity and that person's mental health and emotional well-being is well documented. Using their chosen name can positively affect a person, whereas using an incorrect name can cause undue distress or harm.

Appropriate Pronoun Use

Using the correct pronouns when addressing or referencing a person is an important component of a respectful work environment and is essential for creating strong customer service. This topic will provide you with best practices for appropriate and respectful pronoun use in the workplace.

He, She, They: What's Your Pronoun?

Some people find it confusing or uncomfortable to discuss pronouns. Many people have been exposed to only two options—he and she—and have believed those two options had very specific meanings. This belief was that people classified as male or assigned a male gender used the pronoun he and people who classified as female or assigned a female gender used the pronoun she.

As our understanding of sex and its relation to gender shifts, so does the language that we use. The three most commonly used pronouns to refer to individuals are he, she, and they. Some people may consistently use only one of these pronouns; others may use several pronouns to best reflect their identity.

Some people express discomfort using the pronoun they to refer to a single person because they feel it is grammatically incorrect. While many people were taught that they is a plural pronoun, this is no longer true. As with many aspects of the English language, accepted practices evolve over time. Recently, the *Associated Press 2017 Stylebook* formally included the use of they as a singular pronoun. By including it, they recognized that many people already used the word in this manner in the following situations:

- When the person in question is unknown (e.g., "Someone left their phone in the conference room.").
- When someone who does not identify as he or she needs a pronoun to use (e.g., "Ryan asked me to review their quarterly report and provide feedback.").

Less commonly, some people will use other gender-neutral pronouns. See the examples below.

Subjective	Objective	Possessive	Reflexive	Example
She	Her	Hers	Herself	She went to the store. I spoke to her. This desk is hers.
He	Him	His	Himself	He went to the store. I spoke to him. This desk is his.
They	Them	Theirs	Themselves	They are speaking. I spoke to them. This desk is theirs.
Ze	Zir	Zirs	Zirself	Ze went to the store. I spoke with zir. This desk is zirs.
Xe	Xem	Xirs	Xirself	Xe went to the store. I spoke to xem. This desk is xirs.

Note: Ze/zir/zirs/zirself and xe/xem/xirs/zirself are both pronounced "zee/here/heres/here-self."

Example: Drew is genderqueer and uses the pronouns he/him/his and they/them/theirs. They have a buzz cut and usually wear a button-down and slacks. Drew does not feel comfortable identifying exclusively as male and appreciates when colleagues alternate between the different pronouns to refer to him. Accordingly, sometimes people use they and sometimes people use he to refer to Drew.

Example: Joe is nonbinary and does not identify exclusively with a male or female identity. As such, Joe prefers that people use both the pronouns she/her/hers and he/him/his or to use Joe's name.

Example: Shivani identifies as gender nonconforming and uses they/them/theirs pronouns. Although it is upsetting when people accidentally use the wrong pronouns, Shivani knows these pronouns are right for them and who they are.

Because there is no objective standard for determining a person's gender or pronouns, it is important not to make assumptions about the pronouns that an individual uses.

For example, a person with short hair, no make-up or jewelry, with a traditionally "masculine" style of dress might be a man who uses the pronouns he/his/him. However, this person could also be a woman who uses the pronouns she/her/hers. The person could also identify with another gender and use the pronouns he, she, they, or any combination thereof.

Best Practices for Comfortable Pronoun Usage

If you are meeting someone new and do not know their pronouns, it is best to avoid making assumptions. Respectful options include:

- Addressing a person by their name if you are unsure of what pronouns to use.
- Providing your own pronouns first (e.g., "My name is Ashley; I use she and hers.>").
- Asking respectfully in a private space what pronouns they use (e.g., "Hi Jordan, I'd like to introduce you to my colleague. What pronouns do you use?").
- Using they as a gender-neutral pronoun until you know the correct pronouns to use.

When asking someone about their pronouns, it may feel unfamiliar—or even uncomfortable—at first. While some people may be taken by surprise if asked about pronouns, many will appreciate that you asked them rather than made assumptions about their identity. At all times, it is important to be respectful to that individual.

If someone has recently started using a new pronoun or name, it is appropriate to ask them who they have shared that information with and whether they want you to call them by the new name or pronoun in all situations or only certain ones.

Individuals may want to tell people about a name change themselves or may only use the name and pronouns in situations they feel safe. If the employee indicates that they have shared this information with only you and are not ready to take further action or share it with others, then it is important to keep their information private.

If you are Human Resources personnel, it is particularly important to be aware that this information requires confidentiality and may be protected under federal and State law. When the employee has determined that they are ready to use a different name or pronouns in the presence of others, you and the employee can work together to determine the best way to share this information with others. Please see Information for Supervisors and Human Resources Personnel for more information on best practices and transition planning.

Best Practices for Correcting Pronoun Mistakes

Most people want to be respected and recognized for who they are regardless of their gender identity. It is appropriate to sincerely inquire about an employee's or a customer's name or pronoun to ensure they are being addressed correctly.

The concept of gender is more complex than the binary of male and female. The use of pronouns to be reflective of varying genders and gender identities is new to many people. As with any new idea or practice, it is common to have questions and make mistakes.

Below are some best practices if you have made a mistake:

- Apologize: A simple and sincere apology, followed by a commitment to avoid making the mistake in the future, is a good response.
 - If this occurs with someone you are just meeting, and you didn't know their correct pronouns, it is appropriate to ask and confirm their pronouns to help avoid making the same mistake in the future.
 - If this occurs because the person recently started using a different name and/or pronouns, and you used an incorrect name or pronoun out of habit, simply apologize and make a sincere effort to use the correct identifier in the future.

- Correct yourself and move forward. Repeat what you said with the right pronoun and continue the conversation.
- It is unnecessary to offer an excuse (e.g., "I'm sorry—it's hard to start thinking of you as he when I've always known you as a woman!").
- It is unnecessary to apologize profusely (e.g., "I'm so sorry, I'm so embarrassed, I never do that.").
- It is also important to avoid excessive gender identity affirmations that may come off as insincere (e.g., "Girl, I can't believe I just did that—with your nails painted and hair done—you're more of a woman than I am!").

How to Be an Ally: Affirmative Support in the Workplace

If you are a cisgender person or not a member of the transgender and gender nonconforming (TGNC) communities, you have an opportunity to show support and encourage a respectful workplace for your colleagues and customers who are TGNC by being an ally.

What Does it Mean to Be an Ally?

The term *ally* can refer to being a supporter or advocate for any protected class or marginalized group, such as the lesbian, gay, bisexual, transgender, or queer (LGBTQ+) communities. For the purposes of this Toolkit, allyship specifically references being an ally to the transgender and gender nonconforming (TGNC) communities. Being an ally means using inclusive language and showing respect for members of the TGNC communities through your actions and words.

Considerations for Allyship

It is common to want to be an ally but to be unsure of the best ways to do so. There are many ways to demonstrate allyship, but there are some concepts that are important to consider and adhere to in all situations.

Coming Out and Confidentiality

When someone chooses to come out to you as lesbian, gay, bisexual, transgender, queer, or gender nonconforming (LGBTQ+/TGNC), they are trusting you with information that is important and personal. You must be mindful that they may not have shared this information with others and may not wish to do so at this time.

The status of disclosing this information is often referred to as coming out. Members of the LGBTQ+/TGNC communities often make very careful decisions about when, how, and to whom they want to come out. The process of coming out is not a single occurrence. It is a process that occurs in different phases over time. Decisions about when and how to come out are made based on that person's assessment of their situation and what they deem to be safe and appropriate for them. For this reason, it is not appropriate to make assumptions about whether or not someone is out or to disclose their personal information to others without their consent. As an ally, you must keep the confidence of someone who has entrusted you with this information.

Open, Honest, and Respectful Communication

If someone has come out to you as being a member of the transgender and gender nonconforming (TGNC) communities, remember that respectful communication and personal boundaries are essential. This is the same as with any other colleague.

Some people find that they do not know how to respond and do not want to say the wrong thing when someone shares that they are a member of the TGNC communities. It is okay to admit that you are not sure what to say or that you need some guidance or information. The following are examples of respectful responses:

- Thank you for sharing that information with me.
- I am not sure what that means. Would you mind explaining it to me or sharing a resource where I can get more information?
- Thank you for telling me. Is there any specific thing I can do to support you?

If you ask for more information, consider the following:

- Be polite in your request.
- Understand that you may have misinformation and may need to learn new information.
- Some people may prefer that you identify your own resources to learn more about the subject.

While these conversations may initially feel uncomfortable, the content should not. All workplace discussions should adhere to a standard of professionalism. If someone shares personal or medical information about their TGNC status that makes you uncomfortable, it is appropriate to set a boundary. You can politely explain that you support them but prefer not to discuss personal details at work. Similarly, it is not appropriate to ask a colleague questions of a medical or personal nature. All employees of New York State have the right to work in an environment free from harassment and discrimination. Members of the TGNC communities have a right to set boundaries and not be put through invasive questioning.

Example: Drea recently came out to Mary as being transgender. She asked Mary to use the pronouns she/her/hers and refer to her as Drea going forward. Mary responded enthusiastically, congratulated Drea, and expressed support. She then smiled, lowered her voice, and asked, "So, are you planning to have any of the surgeries to really complete the process?" Drea likes and trusts Mary, but she is not comfortable discussing the personal details of her transition with anyone at work. She responded by saying, "Thank you for your support, Mary. I'm not comfortable discussing things of such a personal nature at work. In the future, I would appreciate it if you didn't ask questions like that."

In this example, Mary intended to express support to Drea but asked a question that was inappropriate. Drea thanked Mary for being supportive but gave feedback and set a boundary regarding the types of questions she found acceptable.

When asking questions to a person who has come out as TGNC, it is recommended you ask yourself, "Why am I asking this question?" If the answer is: To help me better understand or provide support to my colleague, then it may be an appropriate question. If the answer is: Because I don't know much about this topic and find it very fascinating, then you may want to reconsider whether your question is appropriate for the workplace.

Open-ended questions, such as, "Are there any specific aspects of your transition that you'd like to share with me so that I can provide support?," give the person an opportunity to share details that they are comfortable with.

Example: Brie is a transgender woman who has been living as a woman outside of work for some time. She recently started to dress, speak, and use a name and pronouns that affirm her gender identity at work. So far, most of her colleagues have been very accepting and have shown respect by using her correct name and pronouns when speaking with her. Brie was thrilled that her colleagues were responding so positively and was eager to talk about her transition with some colleagues she considers friends. Over lunch, Brie told her colleague Janice, "It's great to finally be able to wear clothes that I'm comfortable wearing to work. Right now, I am still a bit limited because of my body, but with the hormones, things will start changing. I can't wait to start filling out so I can buy some fun bras and lingerie!"

While Janice and Brie are friends, Janice is not comfortable discussing anatomy or undergarments with her colleagues. She responds by saying, "Brie, I'm so happy you are able to feel comfortable in how you dress at work. I am not comfortable discussing body shapes or lingerie at work. I would appreciate it if you didn't talk about those things with me at work."

Brie did not intend to make Janice uncomfortable. She was excited to talk about her transition and shared a level of personal detail that is not appropriate for the workplace. Accordingly, Janice expressed her support, but she also gave Brie feedback and set a boundary regarding the type of information that she is willing to discuss at work. When someone comes out to you as TGNC at work, it is appropriate to be respectful while maintaining the same professional boundaries you would have with any other colleague.

After someone shares information, you may have questions or want to know more than the person has shared with you. Before asking questions of someone who has come out to you as TGNC, consider the dynamics of your existing relationship with that person. If there is an established relationship, it is generally acceptable to ask questions that will help you provide support as an ally. The following are suggested guidelines for asking questions:

- Ask the person if they are open to you asking for more information and be receptive to them saying no.
- Ask questions with a genuine intent to understand and improve your ability to be an ally.
- Ask the person for resources that can help you learn more information.
- Do not dismiss a person's description of their experience as a TGNC person simply because you do not understand it.
- Do not ask questions about topics that are inappropriate to discuss with any colleague in the workplace.
- Do your best to educate yourself and seek out resources that can provide you with correct information.

Ongoing Allyship

The following are actions you can take to be an ally to your transgender and gender nonconforming (TGNC) colleagues and to help create a safer work environment.

- Do not make assumptions about anyone's sexuality or gender.
 - Use gender-neutral greetings for individuals you do not know.
 - Politely ask individuals how they want to be addressed to avoid misgendering anyone.
- Use the correct names and pronouns of TGNC colleagues and correct others if they do not do so.
- Use the correct vocabulary when referring to issues concerning the TGNC population and correct others if they do not do so. See Names and Pronouns: Talk to Me for more information.
- Know where to find your agency's nondiscrimination policies and reference them when needed.
- Help uphold nondiscrimination policies by addressing or reporting discriminatory jokes, comments, and actions.
- Do not make comments to or about TGNC colleagues who use a gender-separated bathroom that corresponds with their gender identity.
- Ask your TGNC colleagues if they would like any support, such as describing the layout or accompanying them, when using a gender-separated facility.
- Avoid reinforcing gender stereotypes by making statements that generalize how "all women" or "all men" behave in a certain manner.

- Respect your colleague's privacy by avoiding personal or invasive questions and addressing others who ask these questions.
- Ask TGNC colleagues what specific actions you can take to be supportive.
- Avoid discussing anyone's gender or gender identity and potentially outing that person to others in the workplace.
- Seek out resources, books, or organizations that can provide you with information on TGNC issues.
- Consider putting your pronouns in your e-mail signature. Here is one example, but be sure to use your agency's e-mail signature format:

Jane Smith

Assistant Director

Pronouns: she/her/hers

Governor's Office of Employee Relations

Empire State Plaza, Agency Building 2, Suite 1201, Albany, NY 12223

(518) 473-3130 | jane.smith@goer.ny.gov_

www.goer.ny.gov

- Talk to TGNC people about their concerns in the workplace and ask how you can best support them.
 - When requested and appropriate, and without violating anyone's confidentiality, use your voice to raise awareness of issues that TGNC colleagues may be facing.
 - Some TGNC individuals may appreciate having an ally express concerns on their behalf to help protect their anonymity or to reduce the impact of being a lone voice requesting change or accommodation.
 - Amplify the voices of TGNC colleagues by incorporating suggestions, concerns, and feedback into policies and programming.
- Treat TGNC colleagues as individuals by avoiding generalizations. Remember that each person has a different sense of identity and experience. Each person's process of transition looks different.

Laws, Policies, and Regulatory Agencies

There are state and federal laws that prohibit discrimination. The following resources will help you learn more about relevant laws and policies.

Equal Employment Opportunity (EEO)

- [Equal Employment Opportunity Rights and Responsibilities Handbook](#)
- No decision affecting hiring, promotion, firing, or a term, condition or privilege of employment shall discriminate on the basis of a person's gender identity, nor shall employees be harassed or otherwise discriminated against on such basis or perceived basis.

New York State Employment Discrimination

- [New York State Discrimination Complaint Form](#)
- If you feel you have been discriminated against, please file a discrimination complaint form with the Anti-Discrimination Investigations Division.

New York Code of Rules and Regulations (NYCRR)

- [§ 466.13 Discrimination on the Basis of Gender Identity](#)
- 9 NYCRR § 466.13 prohibits discrimination based on gender identity.

Gender Expression Non-Discrimination Act (GENDA)

- Gender Expression Non-Discrimination Act (Chapter 8 of the Laws of 2019)
- GENDA prohibits discrimination based on gender identity or expression; defines "gender identity or expression" as having or being perceived as having a gender identity, self image, appearance, behavior or expression whether or not that gender identity, self image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth; further includes offenses regarding gender identity or expression within the list of offenses subject to treatment as hate crimes.

New York State Division of Human Rights

- [Mission Statement](#)
- [Agency Overview](#)
- [Human Rights Law](#)
 - Applies to all employers in New York State, including all State agencies and employees, and provides very broad anti-discrimination coverage. The New York State Human Rights Law provides, in § 296.1(a), that it is an unlawful discriminatory practice "[f]or an employer or licensing agency, because of the age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status or domestic violence victim status of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment."
 - New York State Division of Human Rights (DHR) Guidance:
 - [Guidance on Protections From Gender Identity Discrimination Under New York State Human Rights Law](#)

- [Gender Expression Non-Discrimination Act \(GENDA\) & the NYS Human Rights Law](#)
- What is covered:
 - The Human Rights Law prohibits discrimination in:
 - Employment
 - Apprenticeship and training
 - Purchase and rental of housing and commercial space
 - Places of public accommodation
 - Education by public schools, colleges and universities, and non-sectarian, tax-exempt educational institutions
 - All credit transactions
- [How to File a Complaint](#)
- [FAQ](#)

Transition Planning and Assistance for TGNC Employees

This topic provides resources and guidance on transition planning for transgender and gender nonconforming (TGNC) New York State employees.

Employee Assistance Program

The New York State Employee Assistance Program (EAP) is a worksite-based program designed to help State employees with the everyday issues involved in balancing work and life as well as more serious problems that may impact work performance. EAP services are confidential, voluntary, and offered at no cost to employees and their families.

Confidentiality is the cornerstone of EAP. No information may be shared without an employee's permission. The only exceptions to confidentiality are when information is required by law or executive order, when persons are likely to harm themselves or others, or when there is reasonable suspicion of child abuse.

- Employee Assistance Program: 1-800-822-0244
- [Employee Assistance Program Brochure](#)

Guidance for Transitions and Transition Planning for TGNC Individuals

This topic provides support and guidance for employees who are undergoing a transition, planning to transition, or planning a legal name change.

If you decide to transition or use a new name, gender pronoun, and/or affirm a new gender identity, you have a right to do so and receive support from your employer. You have a right to express your gender or gender identity through your clothing style, grooming habits, and name and pronoun choice. While you have a right to keep information regarding your transition confidential, you are encouraged to provide information, including education, to co-workers and key personnel to the extent you feel comfortable.

Additionally, once you are comfortable disclosing information about your gender identity, expression, use of a new name or pronoun, or transition, you are encouraged to inform key personnel so they are better able to support you. Your first point of contact may be your supervisor, a Human Resources professional, or another manager. You may also consider talking to a supportive co-worker who can work with you to develop a workplace transition plan.

Although this plan may change over time according to your needs, you should start to develop a transition plan with your support team that includes:

- Identifying stakeholders (supervisors, co-workers, constituents, etc.) who you may need to engage during this process.
- A communication and timing plan that includes:
 - When to inform the individuals mentioned above: Would you prefer to tell all parties at one time or one at a time?
 - Who will inform them: Do you want a division or agency-wide e-mail or would you prefer to share this information on your own? Your supervisor and Human Resources personnel should provide any requested help.
- The date you want to begin using a new name or presenting yourself in a manner consistent with your gender identity.
- The employment identification and workplace records that you would like changed.

- Anticipated time off, leave, and/or reasonable accommodations related to gender identity, expression, transitioning, and/or transgender status.
- Whether any specific issues need to be addressed sooner rather than later and are priorities for you.
- Whether you or someone from your support team will be your main point of contact.

Having a plan in place can provide a more seamless transition in which you feel empowered and comfortable in the workplace. Supervisors and Human Resources personnel should work with you to create a plan that works for you and the agency.



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2021

GOER/ORDA Mandated Training

I hereby attest that I have completed the courses and participated in training for the subjects listed below by:

- Reading the course material

Subject trained on:

- GOER Gender Identity Toolkit

I have watched, participated in, and/or read associated materials and understand the content. I understand that I am responsible for complying with the policies, protocols, laws, and regulations described in the training