

Chairman Brian Ellensohn called the Regular Meeting of the Board of Fire Commissioners of the North Merrick Fire District to order at 7:15 PM. Those present were; Commissioner Brian Ellensohn, Commissioner James McCauley, Commissioner Scott Rockwin, Commissioner James Rogers, and Commissioner Paul Wilders. Also present were; Chief Daniel Fasano, Chief Ronald Higgins and Chief Willim Segota, District Employee Thomas Cukro, District Treasurer Maura Fabian, District Attorney Joseph Pusateri, and District Clerk David Ward.

A salute to the flag led by Chief William Segota.

At this time the December 2023 Chiefs requests were gone over;

A motion by Commissioner Rockwin, seconded by Commissioner Ellensohn, unanimously approve/deny or table the items on the list below as indicated in **BLUE:** (Commissioner Ellensohn – yes, Commissioner McCauley – yes, Commissioner Rockwin – yes, Commissioner Rogers – yes, Commissioner Wilders – yes).

ENGINE COMPANY 1

NEW REQUESTS

Permission to hang a Joseph Vicario Street Sign above their gear rack.

Letter about dinner invites from <<NAME WITHHELD 129>>

OUTSTANDING REQUESTS

Gear Rack

ENGINE COMPANY 2

NEW REQUESTS

none

OUTSTANDING REQUESTS

none

TRUCK COMPANY 1

NEW REQUESTS

Chief <<NAME WITHHELD>> would like to thank the board for helping him out with Fire Doins.

OUTSTANDING REQUESTS

Pierce Shirts/Apparel Status (printed requests from company)

Patches on Bunker gear (have the patches need to sewn on)

RESCUE COMPANY 1

NEW REQUESTS

none

OUTSTANDING REQUESTS

none

STUMP JUMPERS NEW REQUESTS

DRILL TEAM none

OUTSTANDING REQUESTS

none

LADIES AUXILIARY

NEW REQUESTS

none

OUTSTANDING REQUESTS

none

CHIEFS' OFFICE

Fuel logs submitted

Department LOSAP & Percentages submitted

6700 REPORT

NEW REQUESTS

2 Purchase Requests

OUTSTANDING REQUESTS

Radio ReProgramming Update

Monument Dedication

6701 REPORT

NEW REQUESTS

none

OUTSTANDING REQUESTS

Update on first arriving

Uniform Issues

<<NAMES WITHHELD>>

6702 REPORT

NEW REQUESTS

none

OUTSTANDING REQUESTS

None

**Request a Return to Public Session

UNFINISHED BUSINESS none

NEXT MEETING Tuesday, January 9, 2024

2023 BUDGET REQUESTS

CHIEFS' OFFICE Long Island Fire Technology Pre Plan Company (see requested sites)

ENGINE COMPANY 1 none

ENGINE COMPANY 2 none

TRUCK COMPANY 1 none

RESCUE COMPANY 1 Multi-Pack Rescue Cart with 4 Outlets 4500 PSI (see printout)

DRILL TEAM \$10,000 monetary assets for miscellaneous repairs on apparatus, equipment, fuel, fabrication, and safety upgrades. This will be contingent on approval and receipts from vendors as in the past.

Personal safety equipment as needed to include up to six (6) DOT approved helmets, eight (8) pairs of knee and elbow pads, and eight (8) pairs of gloves. Three (3) lengths of single jacket tournament style hose un-coupled with tournament couplings separate. (South Shore Fire Safety Equipment, Jolly Tinker, Hose, Key Hose, Fire Hose Direct).

One (1) length of tournament motor pump hard suction hose with couplings attached (as needed).

Three (3) Coleman 316 series 100 can coolers with heavy duty wheels in Rock Grey. (Received)

Requested Pre-Plan Addresses:

Start with all Businesses in the North Merrick Fire District

Start at Ticket Craft and move east on Jerusalem ave.

Move south on Merrick Ave including all that have been done by the companies this year.

If any addresses are left we would like to target all schools in our District.

Chief Higgins,

Thank you for allowing LI Fire Technology to assist you in keeping your firefighters safer & more efficient through building pre-planning. As you requested, I have attached our

contract & proof of insurance. Once the contract is approved, I would like to meet with

you to kick-off the project.

The Next Steps

- 1. Allow LI Fire Tech. secure access to your dispatch database.
- 2. Meet to discuss the following;
 - 1. Starting point in Fire District; review district boundaries.
 - 2. Review pre-plan layout & customize to meet your needs.
 - 3. Review typical item descriptions and abbreviations; customize to your preferences.

3. Get the project started

What we will need from you

- 1. District Map (a loner is fine; we can make copies)

2. Temporary ID Cards - Usual title is "Fire Prevention"

Looking forward to working with you,
Joseph Giordano
L.I. Fire Technology
Office (516) 799-2009
Mobile (516)729-2832

At this time, 2005 a motion by Commissioner Rogers, seconded by Commissioner Wilders, unanimously approved to go into executive session to discuss matters of personnel, and returned at 2020 : (Commissioner Ellensohn – yes, Commissioner McCauley – yes, Commissioner Rockwin – yes, Commissioner Rogers – yes, Commissioner Wilders – yes).

A this time 2020, the Chiefs were excused, and the meeting continued.

At this time Maura Fabian read the Treasurers report.

A motion by Commissioner Rockwin, seconded by Commissioner McCauley, unanimously passed to accept the following reports: (Commissioner Ellensohn – yes, Commissioner McCauley – yes, Commissioner Rockwin – yes, Commissioner Rogers - yes, Commissioner Wilders – yes).

The Bank Account Book Balances dated December 4, 2023.

The Minutes from the Board Business Meeting dated November 14, 2023.

The Minutes from the Interim Meeting dated November 7, 2023.

The "Expenses by Vendor Detail" dated December 4, 2023.

READING OF COMMUNICATIONS:

At this time all correspondence was read; any requiring further action will be handled under new business.

A letter from Firefly Admin Inc.

The Four Towns Meeting Minutes.
A recall notice from McKesson Medical.

APPLICATIONS FOR MEMBERSHIP:

David Ward reported on 2 new applications for membership.

Lost and Damaged Reports:

David Ward reported on work orders.

Local Government and Community Relations(AC):

Commissioner Wilders reported on grants.
Commissioner Ellensohn reported on the AFG Grant.

Building(BE, SR, JR):

Commissioner Ellensohn reported on the building.
Commissioner Rogers reported on the building landscaping and outside lighting.

Chief's and District Vehicles (BE, SR, PW):

Commissioner Rockwin reported the following:
Repairs to the 2022 Chevrolet Tahoe.Repairs to the 2018 Chevrolet Tahoe, unit (6700).
Repairs to the 2018 Chevrolet Tahoe (unit 6701).
Repairs to the 2008 Chevrolet Tahoe (Unit 6799).

Equipment (BE, SR):

Commissioner Ellensohn reported on firefighter and EMS gear, replacement gear issued, old gear removed from service (under inventory control)

Fire Department Personnel (JM, JR, PW):

A discussion was held on personnel.

Uniforms (BE, PW):

Commissioner Wilders reported on uniform equipment, any member who has a problem with uniform equipment should contact the vendor and be seen with the uniform to be adjusted.

Fire Apparatus and Ambulance Repairs (BE, SR, PW):

Commissioner Rockwin reported the following:
Repairs and maintenance on the 2020 Pierce ladder (Unit 673).

Utilities (BE, PW):

Commissioner Rockwin reported on utilities.

Auditing (PC, MF):

Maura Fabian reported progress.
Patrick Cunningham reported on auditing.

Legal (JP):

At this time Joseph Pusateri reported on the North Merrick FD by-laws.

Insurance (JM, JR):

Commissioner McCauley reported on insurances.
Commissioner Wilders reported on Fire Districts' of New York Mutual Insurance Company.
Commissioner Rogers reported on the Firefighter Cancer Insurance Policy.
David Ward reported on the Group Life and 24 hour Accident and sickness policies.

Computers and Web Site (BE,PW):

Commissioner Ellensohn reported on computers, the website, and member recruitment.
David Ward reported on the narcotic safe software system.

Training (Fire and Administrative) (PW):

Commissioner Rockwin reported

Four Towns (JM, PW):

Commissioner Wilders reported on the Four Towns Training Center.

Radio (JM,SR):

Commissioner Ellensohn reported on radios.
Thomas Cukro reported on portable radio programming.

Purchasing Policies & Procedures (SR, JR):

Commissioner Rockwin reported on purchasing.

Medical Equipment (JM, JR):

Commissioner McCauley reported on medical equipment.
Thomas Cukro reported on medical equipment.

District Employees (BE, PW):

Commissioner Rockwin reported on District Employees.

District Policies and Procedures (AC):

Maura Fabian reported the following Account Transfer/Electronic Debit:

Date	From	To	Amount
12/4/2023	FNBLI	FNBLI (General Account Transfer)	\$ 150,000.00
11/29/2023	FNBLI	ADP	\$ 12,484.15
11/24/2023	FNBLI	ADP	\$ 124.64

Inventory Control (SR, JR):

David Ward reported scott Protégé ZM CO meter reached end of life, discarded s/n SC21100489.

Firefighter Gear reached end of life, discarded C=coat, P=pants
C2172441;2, C6401021;2, C6401091;2, C6944351;2, C2217911;2, C6944341;2,
C6400911;2
P 2175291;2, , P6401221;2, P6401281;2, P6940331;2, P2219211;2, P6940311;2,
P6401181;2

Laptop computer not working reached end of life, discarded s/n C02XT023JG5L, b/c 01388

A motion by Commissioner McCauley, seconded by Commissioner Ellensohn unanimously approved to dispose of inventory as listed above.

(Commissioner Ellensohn – yes, Commissioner McCauley – yes, Commissioner Rockwin – yes, Commissioner Rogers - yes, Commissioner Wilders – yes).

Installation Dinner (AC):

Commissioner McCauley reported on the Installation Dinner.

Length of Service Awards Program (BE, JM,):

Commissioner McCauley reported on the Length of Service Awards Program.

EMS Certifications and Ambulance Narcotics (BE, JR):

Old Business:

New Business:

A motion by Commissioner Wilders, seconded by Commissioner McCauley unanimously approved the listed purchase requisitions;

(Commissioner Ellensohn – yes, Commissioner McCauley – yes, Commissioner Rockwin – yes, Commissioner Rogers - yes, Commissioner Wilders – yes).

Zoll Medical Corporation	\$ 7,950.00
AT & T	\$ 1,377.90
South Shire Fire & Safety	\$ 3,913.00
Dell	\$ 1,752.92
Medixsafe	\$ 7,058.00

A motion by Commissioner Wilders, seconded by Commissioner Rogers, unanimously approved to amend the 2020 Employee Handbook, removing the requirement for full time employees to contribute 25 % towards health care.

(Commissioner Ellensohn – yes, Commissioner McCauley – yes, Commissioner Rockwin – yes, Commissioner Rogers - yes, Commissioner Wilders – yes).

A motion by Commissioner Rockwin, seconded by Commissioner McCauley, unanimously approved the updated employee manual. (2023).

(Commissioner Ellensohn – yes, Commissioner McCauley – yes, Commissioner Rockwin – yes, Commissioner Rogers - yes, Commissioner Wilders – yes).

A motion by McCauley, seconded by Commissioner Wilders, unanimously approved the updated sexual harassment policy to comply with New York State Law..

(Commissioner Ellensohn – yes, Commissioner McCauley – yes, Commissioner Rockwin – yes, Commissioner Rogers - yes, Commissioner Wilders – yes).

A motion by Commissioner McCauley, seconded by Commissioner Rogers, unanimously approved the annual contribution to the Length of Service Awards Program in the amount of \$ 250,000.00 to Captrust.

(Commissioner Ellensohn – yes, Commissioner McCauley – yes, Commissioner Rockwin – yes, Commissioner Rogers - yes, Commissioner Wilders – yes).

A discussion was held on the Board Meeting order a motion by Commissioner McCauley, seconded by Commissioner Rogers, unanimously approved, to add a “EMS Cost Recovery” and “Recruitment and Retention” committees for 2024 Board Meetings.

(Commissioner Ellensohn – yes, Commissioner McCauley – yes, Commissioner Rockwin – yes, Commissioner Rogers - yes, Commissioner Wilders – yes).

A motion by Commissioner Wilders, seconded by Commissioner Rockwin, unanimously approved the Vehicle Routine Washing Maintenance Service Agreement for Fire Fighting Vehicles, effective January 1, 2024.

(Commissioner Ellensohn – yes, Commissioner McCauley – yes, Commissioner Rockwin – yes, Commissioner Rogers - yes, Commissioner Wilders – yes).

A motion by Commissioner Rockwin seconded by Commissioner McCauley, unanimously passed to approve the updated list of Board Meetings/Elections/Public Budget Hearing for the year 2024, and included in these meeting minutes.

(Commissioner Ellensohn – yes, Commissioner McCauley – yes, Commissioner Rockwin – yes, Commissioner Rogers – yes, Commissioner Wilders – yes.)

With no further business, the meeting was adjourned at 11:35 PM

Respectfully Submitted
David M. Ward
District Clerk



North Merrick Fire District
BOARD OF FIRE COMMISSIONERS
2095 Camp Avenue, North Merrick, N.Y. 11566
(516) 223 - 4102 • FAX (516) 223 – 4105

LEGAL NOTICE

THE RE-ORGANIZATIONAL MEETING OF THE NORTH MERRICK FIRE DISTRICT WILL TAKE PLACE ON SUNDAY JANUARY 7TH, 2024 AT 10 AM.

THE BOARD OF FIRE COMMISSIONERS OF THE NORTH MERRICK FIRE DISTRICT MEETINGS FOR THE YEAR 2024 SHALL BE HELD ON THE FIRST AND SECOND TUESDAY OF EACH MONTH, WITH THE EXCEPTION OF DECEMBER 2024. THE REGULAR MEETING IN THE MONTH OF DECEMBER 2024 WILL TAKE PLACE ON TUESDAY DECEMBER 3, 2024 AT 7 PM. THE ANNUAL PUBLIC BUDGET HEARING WILL BE HELD ON TUESDAY OCTOBER 15, 2024 AT 7PM. A SPECIAL MEETING WILL BE HELD ON TUESDAY OCTOBER 22, 2024 AT 7 PM. THE FIRE COMMISSIONER ELECTION SHALL TAKE PLACE ON TUESDAY DECEMBER 10, 2024, FROM 2PM TO 9PM. AN ELECTION COMMITTEE MEETING WILL BE HELD ON TUESDAY DECEMBER 10, 2024 AT 1 PM. UNLESS OTHERWISE POSTED, MEETINGS WILL BEGIN AT 8 PM, AND WILL BE HELD ON THE SECOND FLOOR OF THE NORTH MERRICK FIRE DEPARTMENT HEADQUARTERS BUILDING LOCATED AT 2095 CAMP AVENUE, NORTH MERRICK, NEW YORK 11566.

THE ACTUAL DATES FOR THE ABOVE MEETINGS/HEARINGS/ELECTIONS FOR 2021 ARE AS FOLLOWS:

1/7, 1/9, 2/6, 2/13, 3/5, 3/12, 4/2, 4/9, 5/7, 5/14, 6/4, 6/11, 7/2, 7/9, 8/6, 8/13, 9/3, 9/10, 10/1, 10/8, 10/15, 10/22, 11/5, 11/12, 12/3, 12/10

BY ORDER OF THE BOARD OF FIRE COMMISSIONERS
DAVID WARD
DISTRICT CLERK
DECEMBER 5, 2023



Adopted 12/5/2023 DW

NORTH MERRICK FIRE DISTRICT BOARD OF FIRE COMMISSIONERS

Routine Washing Maintenance Service Agreement for Fire Fighting Vehicles

OBJECTIVE:

The North Merrick Fire District Board of Fire Commissioners ("District" and/or "Board", respectively) will consider the expenditure of District funds on expenses associated with the routine washing maintenance service needs for the North Merrick Fire District's fire fighting vehicles when the business and needs of operating the North Merrick Fire District and the fire protection related operations of the North Merrick Fire Department ("Department") so require.

SCOPE:

The North Merrick Fire Department shall be responsible for providing scheduled and routine washing maintenance services on the attached list of vehicles. Routine maintenance, as referred to herein, shall not include any other routine maintenance services, such as: oil changes, lubrication, and inspection of vehicles to identify problems, potential problems, and repair of minor issues.

No expenditure will be considered a North Merrick Fire District charge until the Board ratifies an expenditure that was incurred. All purchases shall be supported by an itemized bill from the vendor, as well as a list of the personnel in attendance at such routine washing maintenance service events. Approval of a claim voucher will mean that the Board approved the event(s) and the expenditure(s) incurred.

PROCEDURES:

Every quarter, the Board will remit the sum of \$3,000.00 to the Chief of the Department, for the routine washing maintenance of the North Merrick Fire District's fire fighting vehicles in accordance with this policy.

The Chief of the Department will establish a separate bank account in the name of the North Merrick Department at their chosen Bank located in North Merrick, New York for the deposit of all monies remitted by the Board hereunder. This separate account shall only permit members of the Chiefs' Office with banking authority to access and expend funds deposited into this account.

The Chief of the Department will meet with the District Treasurer/Deputy Treasurer and/or members of the Board on a quarterly basis. The Chief of the Department shall provide written and itemized receipts at such meetings. Said receipts will detail the date, the vendor utilized, the maintenance service items purchased, and the total amount of the purchase(s). Moreover, the Chief of the Department, along with the written and itemized receipts, shall provide a detailed report of all Department

members partaking in the routine washing maintenance service events in accordance with this policy.

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If at any time the North Merrick Fire District determines that any funds provided to the North Merrick Fire Department pursuant to this policy are not being properly utilized as authorized herein, the North Merrick Fire District shall have the right to notify the Chiefs' Office and request that all funds (as of the date of the notification), within the Bank account be immediately refunded to the North Merrick Fire District.

Reasonable Costs and Expenses

Supplies should be ordered in reasonable quantities, and every attempt should be made to make certain that such purchases are reasonable in nature and in relation to the total cost incurred for the actual maintenance service events. Such expenditures should not be lavish or extravagant, and may not include the purchase of alcohol.

Selection of Vendors

The nature of this type of expenditure encourages the utilization of local vendors if possible.

Vehicles to be maintained;

- 2004 Spartan Pumper (unit 671)
- 2010 Spartan Pumper(unit 672)
- 2020 Pierce Ladder (unit 673)
- 1998 Spartan Pumpoer (unit 674)
- 2002 Chevrolet Express Van (unit 675)
- 2014 Ford E-450 Ambulance (unit 677)
- 2008 Spartan Heavy Rescue (unit 678)
- 2013 Ford E-450 Ambulance (unit 679)
- 2008 Chevrolet Tahoe medic car (unit 6799)

Effective date.

This Policy takes effect January 1, 2024, and will be reviewed annually at the North Merrick Fire Districts' Re-Organizational meeting, to determine if the policy will be continued for the next calendar year.

The adoption of the foregoing policy was duly put to a vote and upon roll call the vote was as follow:

Chairman Brian Ellensohn -	YES
Commissioner James W.Rogers -	YES
Commissioner James P. McCauley -	YES
Commissioner Scottmichael Rockwin -	YES
Commissioner Paul G. Wilders -	YES

The resolution was thereupon duly adopted.

The resolution was thereupon duly adopted at a Board Meeting held December 5, 2023
North Merrick, New York, 11566

Attested: David M. Ward, District Clerk/ Executive Secretary

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North Merrick Fire District

**2095 Camp Avenue
North Merrick, New York 11566**

SEXUAL HARASSMENT POLICY

The North Merrick Fire District is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but The North Merrick Fire District recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of The North Merrick Fire District commitment to a discrimination-free work environment.

Goals of this Policy:

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after acting. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with The North Merrick Fire District. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

Sexual Harassment and Discrimination Prevention Policy:

1. The North Merrick Fire District policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include people commonly referred to as independent contractors, gig workers, and temporary workers. Also included are people providing equipment repair, cleaning services, or any other services through a contract with. For the remaining North Merrick Fire District requirements of this policy, we will use the term “covered individual” to refer to these individuals who are not direct employees of the company.
2. Sexual harassment is unacceptable. Any employee or “covered individual” who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and “covered individuals” should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or “covered individual” that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the North Merrick Fire District who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and “covered individuals” working in the workplace who believe they have been subject to such retaliation should inform a supervisor or manager. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on [Legal Protections](#).
4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject The North Merrick Fire District to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. The North Merrick Fire District will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. The North Merrick Fire District

will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, The North Merrick Fire District will act as required. In addition to any required discipline, the North Merrick Fire District will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.

6. All employees and “covered individuals” are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or “covered individual” who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.

Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the North Merrick Fire District.

7. This policy applies to all employees and “covered individuals”, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those offices operating remotely, in addition to sending the policy by email, it will also be available on the organization’s shared network.

What Is Sexual Harassment?

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in

between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or "covered individual" is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the North Merrick Fire District policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment.
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called **quid pro quo** harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. **This list is just a sample of behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).

- Unwanted sexual comments, advances, or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
 - This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship.
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.

- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.

- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.

- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.

- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity, or gender expression, such as:
 - Interfering with, destroying, or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job.
 - Sabotaging an individual’s work.
 - Bullying, yelling, or name-calling.
 - Intentional misuse of an individual’s preferred pronouns; or
 - Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women’s attire.
 - Leaving parents/caregivers out of meetings.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all “covered individuals” described earlier in the policy. **Harassers can be anyone in the workplace.** A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual’s gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual’s immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone’s behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

Where Can Sexual Harassment Occur?

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

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or “covered individual” is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts.
- Publicly releasing personnel files.
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing them over for a promotion, or moving an individual’s desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency.
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law.
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment.
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

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

Reporting Sexual Harassment

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or “covered individual” is encouraged to report harassing or discriminatory behavior to a supervisor, manager, or the North Merrick Fire District. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or the North Merrick Fire District.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee’s behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and “covered individuals” who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on [Legal Protections](#).

Supervisory Responsibilities

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to the North Merrick Fire District. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

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

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is **required** to report it. There are five standard

methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior.
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment.
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

Complaints and Investigations of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The North Merrick Fire District will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The North Merrick District recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, the North Merrick Fire District:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If the complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, the North Merrick Fire District will prepare a complaint form or equivalent documentation based on the verbal reporting.

2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. The North Merrick Fire District will consider and implement appropriate document requests, review, and preservation measures, including for electronic communications.
3. Will seek to interview all parties involved, including any relevant witnesses.
4. Will create a written documentation of the investigation (such as a letter, memo, or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents.
 - b. A list of names of those interviewed, along with a detailed summary of their statements.
 - c. A timeline of events.
 - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
 - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location.
6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
7. Will inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the North Merrick Fire District, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and “covered individuals” may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

New York State Division of Human Rights:

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in the New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the North Merrick Fire District does not extend your time to file with DHR or in court. The three years are counted from the 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 receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive 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.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at **1(800) HARASS3** for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

The United States Equal Employment Opportunity Commission:

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e *et seq.* An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of 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. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement, or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

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

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

Conclusion

The policy outlined above is aimed at providing employees at the North Merrick Fire District and "covered individuals" an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, predisposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

The Board will conduct an annual review of this policy and make necessary amendments.

Effective date. 12/5/2023

This Policy takes effect immediately, and replaces the existing policy dated July 13, 2021.

The adoption of the foregoing policy was duly put to a vote and upon roll call the vote was as follow:

Chairman Ellensohn - yes

Vice – Chairman Rogers - yes
Commissioner McCauley - yes
Commissioner Rockwin - yes
Commissioner Wilders - yes

The resolution was thereupon duly adopted.

The resolution was thereupon duly adopted at a Board Meeting held this date
December 5, 2023 North Merrick, New York, 11566

Attested: David M. Ward, District Clerk/ Executive Secretary