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**Bridge to Enter Advanced Mathematics &  
The Art of Problem Solving Initiative, Inc.**

# **Employee Policies Manual**



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## Welcome!

Thank you for being a part of BEAM! This handbook is here to help you learn more about BEAM, our expectations of you, and what you can expect from BEAM.

BEAM has grown a lot over the past few years, but one thing has not changed: we're a group of people who work incredibly hard to give young people a chance to succeed in science and mathematics. This program has accomplished some incredible things, and I hope we continue to do so for many years to come.

This handbook contains a wealth of information about working at BEAM. While some of it may feel tedious, it really is essential information. Please use it as a reference to guide your behaviors on the job and to answer many work-related questions. As always, please reach out if you have any additional questions. Your site director (or supervisor) can answer most questions, but I also welcome you to reach out directly to me with questions or feedback: [danz@beammath.org](mailto:danz@beammath.org).

Thank you again for working with us!

Sincerely,

Dan Zaharopol - Executive Director

## About This Handbook

**This handbook (The “Handbook”) was developed by The Art of Problem Solving Initiative, Inc. exclusively for use by all of its employees. For purposes of this Handbook, The Art of Problem Solving, Inc. and BEAM are used interchangeably.**

BEAM is committed to providing employees with tools and resources, such as this Handbook, to enable them to learn about our culture, benefits, programs, policies, and procedures. We require employees review the Handbook and keep it readily available for future reference during their careers at BEAM. Each employee at BEAM is responsible for ensuring that they have the most up-to-date version of the Handbook.

In reviewing the Handbook, please keep in mind that it is only an overview of BEAM’s policies and practices.

Employees are expected to learn and to follow the policies described in the Handbook. Nothing in the Handbook alters an employee’s “at-will” status, meaning at any time an employee may resign or BEAM may terminate an employee with or without cause. An employee’s “at-will” status can only be changed by a legally binding, written contract covering employment status, such as a written employment agreement for a specified duration of time, signed by an authorized signatory of BEAM.

For any questions not answered in this document, employees may consult with their supervisor, who can ask others if needed.

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## Basic Policies for Working at BEAM

### Confidentiality

Our students, families, co-workers, and business partners entrust us with important information. All information that is considered confidential must not be disclosed to external parties or to other employees without a need to know.

Confidential information includes information provided by parents (i.e. contact information, education records, etc.), students, and business partners.

We are also required to keep all personal identifying information of all employees confidential. Personal identifying information includes Social Security numbers, addresses, telephone numbers, personal email addresses, internet identification names and passwords, parent's surname prior to marriage, or drivers' license numbers.

Above all, we take the privacy of BEAM students seriously. Potentially sensitive information will be confined to relevant staff only. You have specific responsibilities to maintain student confidentiality:

- ❖ If a student tells you something of a private nature, avoid sharing it with other employees except as relevant to their work. In general, you can share this information with the Executive Director, or if working at a summer site, the Site Director. These people can suggest to whom else (if anyone) it should be made available.
- ❖ Use pseudonyms (or first letter of first name) when posting about students online. Do not post negative stories about students online with any identifying information. Sharing stories with colleagues (including via blogs) is an important part of the education profession, but keep in mind that you do not know a student's full story or how sharing information about them might impact their life. (Perhaps there is an abusive parent in their background from whom they are hiding; perhaps peers at their school will see something about the program and bully them.)  
Note: If BEAM shares a story about a student (via blog, newsletter, social media, etc.), you may re-share; this information has been vetted by staff who know more about the students' context.
- ❖ Do not share photos of students where faces are visible (e.g., you may blur faces or show photos of the back of students' heads). Note: If BEAM shares a photo of a student (via blog, newsletter, social media, etc.), you may re-share.
- ❖ Do not share any potentially identifying information about students with people outside the program. (Although BEAM as a program may share such information after careful consideration of a student's complete situation, individual staff members never should except for re-sharing BEAM's posts.)

- ❖ Do not transmit confidential information via unsecured mechanisms, including e-mail.
- ❖ From time to time, you may receive documents containing private information about a student. (For example, medical records.) Return these to the Site Director or Executive Director (as appropriate) as soon as your task with them is done.

## **Conversations with Students**

In general, BEAM encourages open conversations with students when possible. However, please observe the following guidelines.

- ❖ Sensitive issues (such as questions of religion, sexuality, gender identity, race and class, politics, etc.) should in general not be raised unless students raise them first. We don't prohibit these conversations, but we want to make sure that students want to have them. You should never try to "convince" the students of your viewpoint; you may state it or answer student questions about it, but please allow students to work through these issues on their own.
- ❖ Keep conversations age-appropriate. This varies by age level, but use your judgement. For BEAM's middle school summer programs, we do not allow any profanity.
- ❖ Do not probe students' private lives. Do not ask about students' dating or anything related to it. If these topics are brought up by the students, you may listen and engage in that conversation, but do not suggest it as a topic yourself.
- ❖ Do not share intimate details of your own private life.

## **Communication with students outside of the summer (including social media)**

Please observe the following rules.

- ❖ You may not proactively friend (or otherwise initiate contact with) students from the program. They may friend you, and you may then accept. Similarly, students may ask you for your email or phone number, or you may offer it generally (to everyone at the program, for example). However, you should never ask them for theirs; the impetus must come from them. Once you are friends with them (or have an email or text message exchange going), it is fine to continue that conversation subject to the rules below.
- ❖ You may never meet with students outside of official BEAM events. If for any reason you want to arrange a meeting with a student (for example, being a mentor to them), contact BEAM first.

- ❖ Every communication with students should be logged, so that you have a record of it. In particular, **Snapchat may not be used to communicate with students.**
- ❖ Be extremely careful not to reveal age-inappropriate material to them. You may need to set them on a restricted privacy setting on any social media accounts where students connect with you (if you reciprocate) in order to achieve this. Remember that you are a role model.
- ❖ Observe all of the policies above about communication with students.
- ❖ If you are in frequent (more than 20 contacts/messages per week) with any student, you must communicate with your most recent summer supervisor at BEAM (or, if you are a full-time employee, with your manager at BEAM) about the frequency of contact. We would like to stay informed and make sure their parents are aware.
- ❖ Overall: please be aware of the optics of your communication. Our students are young and are still learning limits for social media. Their parents have varying levels of comfort with communication that a parent cannot monitor. Aim to communicate in the most professional, adult manner possible. For example, even if a student has begun a line of communication with you, do not text them during the school day (they should be focused!) or at night (they should be sleeping!).

If you have a question about any of these policies, please ask!

## **Abuse and Maltreatment Prevention and Response Policy**

### **Prevention**

BEAM is determined to create a safe environment for students. Towards those ends:

- ❖ Hiring will be contingent on a full criminal background check, including an examination of the sex offender registry.
- ❖ Staff members shall not be alone with a single student except in case of medical or other emergency.
- ❖ All staff shall be trained to recognize signs of abuse, including emotional and sexual abuse.
- ❖ All staff shall report any suspicious activity or people to the Site Director or Executive Director (as appropriate).

### **Response**

In the unlikely event that there is any suspicion of abuse or maltreatment, the following measures shall be taken.

- ❖ The appropriate authorities shall be notified immediately, and their investigation will receive the full cooperation of BEAM. If you believe that such a call is necessary, tell the Site Director or Executive Director (SD or ED) and the two of you will call together. Maintain a written record of such calls and send an email (to the SD or ED) with a summary of the call results to document with a timestamp.
- ❖ Appropriate medical treatment shall be sought.
- ❖ Without revealing confidential information, the SD or ED, working with the social worker if at a summer site, will conduct an investigation, including conferring with staff members who are close to the student. They will determine what evidence exists and if there is reasonable cause to suspect maltreatment or abuse, and they will maintain all evidence collected.
- ❖ It will be promptly decided if parents should be notified, based on the advice of the appropriate agencies.
- ❖ If a staff member is accused of abuse, they shall be automatically relieved of all duties and will be required to be escorted by another staff member if on-campus. The accused staff member will be removed from the campus until a determination is made as to the validity of the claims.
- ❖ The victim's name shall be kept confidential unless permission to release it is given by both the victim and their parents.
- ❖ As appropriate, parents of other students will be kept informed of developments (subject to respecting the privacy concerns of the victim) and will have the opportunity to remove their children from the program. The program may be cancelled depending on the nature of the offense.

Employees may not delegate to or rely on another person to make the report. Additionally, all employees must report to their supervisor any concerns, including both specific complaints and rumors, regarding possible exploitation, neglect, or abuse of a minor. However, the report to the supervisor must be in addition to and not in lieu of any report to the relevant authorities.

## Further Information on Incidents that Must Be Reported

You must immediately report when you have a conversation with a student that:

- ❖ Alleges or hints at possible abuse, including sexual, physical, or emotional abuse, or neglect (as discussed above).
- ❖ Indicates suicidal or depressed thoughts, or the intent to harm oneself or another.

You must also report any suspicion you have of abuse or suicidal tendencies to an SD or ED immediately; **do not leave a student alone if you believe them to be at risk for suicide**. See the appendices for how to identify signs of abuse.

If it looks like a student is planning to tell you of a topic that requires reporting (e.g. asks you if you can keep a secret), you should tell them ahead of time that you may be obligated to report the conversation. You certainly do not want to shut

down the conversation, but you also do not want them to feel betrayed when you then tell the SD or ED. Explain that you must do so if you are concerned that they are in danger or a danger to themselves or others, that it is a legal requirement, that you will limit any sharing of information to a small number of people who need to know, and that above all you will work to help them.

If you are having a conversation with a student where these topics come up, you can (and should) continue the conversation to its natural resolution. Do not indicate any doubt or disbelief at their claims. You should validate their experiences. Tell them that they did the right thing by coming forward and they've done nothing wrong. See the appendices for more on how to handle such a conversation.

Also see the appendices for BEAM's **Abuse and Maltreatment Prevention and Response Policy** on how to handle suspicions and accusations of abuse or maltreatment.

## **You May Not Be Alone with A Student**

It is the policy of BEAM that no employee or staff member may be alone with a single student: there should always be at least one other person in the room, student or staff. Exceptions can be made in emergencies such as a trip to the hospital, or for short periods that are under five minutes in length. For example, if a student arrives early to your classroom, you do not need to leave the room, although you should leave the door open.

If you need to speak privately with a student, take them aside in a public area so that you are in full view of others but can still expect a measure of privacy for your conversation.

You should avoid situations where you are alone with only two other students, but they are not prohibited.

## **Staff Safety**

At BEAM, we are very serious about workplace safety. We all share responsibility for safety by being aware of our surroundings, reporting any potentially dangerous situations to management, and following all applicable safety codes, rules and regulations.

Especially during our summer program, please get enough sleep. Don't lift heavy weights, especially while setting up a space—get someone else to lift with you. If you feel uncomfortable doing a task, just say so and we'll find someone else to take care of it.

All on-the-job injuries or accidents, regardless of nature, must be reported immediately to a supervisor and to the Director of Finance and Administration.

## Miscellaneous

Things you should be aware of:

- ❖ BEAM staff should not drive students except in case of emergency. At our summer programs, if a student needs to be transported somewhere off-campus, we will use public transportation or taxis, as appropriate.
- ❖ It is the responsibility of the staff leading an activity to be sure that all students are present. This includes taking attendance (usually in your head for small groups like a class) at the beginning of your course and after any breaks as well as at the beginning of non-academic activities or when leading a group on field trips.
- ❖ While at BEAM programming, students may not use the stove or any device involving high temperatures or fire without staff supervision.
- ❖ Please use only blue painters' tape or "Command" strips for attaching things to the wall. We will have a supply of both.
- ❖ It is up to us to help students make healthy eating choices. Feel free to speak up if you see a student eating very unhealthy food. In particular, no dessert at the beginning of the meal!

## Organization-Wide Policies

### Travel and Expense Policy

BEAM works to reimburse reasonable travel expenses, as well as other expenses incurred while working on behalf of the organization. For summer employees, BEAM will generally book travel directly. Full-year employees may book their own travel or go through BEAM's internal systems.

Please note that all expenses must be approved.

You may find more information and the full policy at this link:

<https://docs.google.com/document/d/1aNP6qgDmL9KKESn3NeNjNZ1-Gz5j5mM9YRzPsUBNDko/edit?usp=sharing>

### Unacceptable Behavior Policy

It is the policy of the Art of Problem Solving Initiative, Inc. that unacceptable behaviors will not be tolerated on the part of employees.

A number of behaviors are regarded as incompatible with our goals, values, and program standards and therefore are considered unacceptable and prohibited while participants are engaged in activities:

- Unwelcome physical contact, such as inappropriate touching, patting, pinching, punching, and physical assault.
- Unwelcome physical, verbal, visual, or behavioral mannerisms or conduct that denigrates, shows hostility, or aversion toward any individual.
- Demeaning or exploitive behavior of either a sexual or nonsexual nature, including threats of such behavior.
- Display of demeaning, suggestive, or pornographic material.
- Known sexual abuse or neglect of a child.
- Denigration, public or private, of any mentee parent/guardian or family member.
- Denigration, public or private, of political or religious institutions or their leaders.
- Intentional violation of any local, state, or federal law.
- Insubordination or other disrespectful conduct.
- Drinking while working or working while under the influence of alcohol or illegal substances.
- Possession of illegal substances in organization workspaces.
- Smoking inside buildings used for AoPSI staff or students. Staff members who wish to smoke should do so outside, away from buildings and so that students will not see them smoking. At all times, staff should also obey campus policies on smoking and local laws as to where smoking is allowed.
- Drinking in the presence of children unless at an event where such drinking is a programmatic element (for example, a fundraising event).
- Excessive absenteeism or any absence without notice.
- Violations of privacy, including sharing confidential student information with those outside the program.
- Other unethical or illegal behavior, including theft or inappropriate removal or possession of property; falsification of documents; violation of safety or health rules.

Any unacceptable behavior, as specified but not limited to the above, will result in a warning and/or disciplinary action including suspension or termination from paid or volunteer work with the organization, or expulsion from the premises where our work is conducted.

## **Harassment-Free Workplace**

BEAM is committed to providing a professional and productive work environment for all employees, free from any form of harassment or discrimination. As such, BEAM strictly forbids harassment or bullying based on race, color, religion/creed, national origin, sex, gender or gender expression, pregnancy, age, disability, sexual orientation, marital/partnership or familial status, military status, or any other classification protected by law. BEAM does not tolerate harassment of employees by managers, supervisors, co-workers, or non-employees with whom the company has a

business, service, or professional relationship. Similarly, BEAM does not tolerate harassment by its employees of non-employees with whom BEAM has a business, service, or professional relationship.

Harassment includes verbal, physical, or written conduct that intentionally or unintentionally interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. Harassing conduct includes, but is not limited to:

- Epithets.
- Negative stereotyping.
- Slurs.
- Threatening, intimidating or hostile acts that relate to the above characteristics.
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the above characteristics, and that is placed on walls, bulletin boards, or elsewhere on the premises, or circulated in the workplace.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors or unwanted sexual attention by anyone associated with the company, whether male or female. Harassment may include references to employment status or conditions or may serve to create a hostile, intimidating or uncomfortable work environment. Harassment includes, but is not limited to, obscene jokes, lewd comments, sexual depictions, repeated requests for dates, touching, staring or other sexual conduct committed either on or off company premises.

If the result of an investigation indicates that corrective action is called for, such action may include disciplinary measures up to and including immediate termination of the employment of the offender.

## **Reporting Harassment**

Any employee who feels that they may be a victim of harassment or is a witness to this behavior should report the situation immediately. BEAM embraces an open door culture, allowing employees to discuss concerns outside of their direct chain of command. Employees may choose to report claims of harassment to their supervisor, the Director of Finance and Administration or any member of the Board of Directors.

Promptly after receiving a complaint, BEAM will fully investigate and take all steps necessary to prevent harassment, discrimination or retaliation. BEAM or its representative will promptly investigate all complaints and BEAM will impose appropriate discipline where it determines that discrimination, harassment, or retaliation has occurred.

All complaints shall be kept confidential, to the fullest extent possible, to permit BEAM to conduct a thorough investigation. BEAM will do whatever is possible to maintain the confidentiality of all concerned as a result of the

investigation. Witnesses to discrimination or harassment and victims of discrimination or harassment shall not be retaliated against in any way for making a good faith complaint or for cooperating in an investigation. Employees who interfere with any investigation will be subject to discipline, up to and including termination.

Retaliation against a person who reports, complains about, or participates in an investigation of harassment or discrimination is prohibited and a violation of our policies, so long as such reports are made with a good faith belief that harassment was taking place. Allegations of retaliation will be investigated pursuant to the procedures described above. Employees found to have violated our policies will be subject to discipline, up to and including termination.

BEAM cannot work to resolve unlawful harassment or discrimination concerns unless it knows about these concerns. Prompt reporting of any problem is, therefore, essential to us. Any supervisor or manager who becomes aware of any incident of discrimination, harassment, or retaliation must immediately report the matter. Supervisors or managers who fail to report such matters may be subject to discipline, up to and including termination.

For more information on our procedures, your legal protections, and for our reporting form, please see the appendices.

## **Nondiscrimination Policy**

BEAM believes that all participants, be they students, staff, volunteers, or guests, should find a place to thrive at our organization. Thus, it is our policy to provide a positive work environment that encourages and supports a high level of contribution from all of our employees. BEAM is an equal opportunity employer.

BEAM does not discriminate or tolerate discrimination based on age; disability; sex; gender identity, expression, or sexual orientation; national origin; race or ethnicity; religion; pregnancy; marital partnership or familial status; military status; or any classification protected by law. BEAM is committed to providing an equal employment opportunity in all aspects of employment including recruitment, hiring, training, compensation, promotion, transfer, disciplinary action, and separation, as well as in its educational programs and activities which comply fully with the requirements of state and federal law. Additionally, BEAM will work to make reasonable accommodations for all participants.

If you are concerned about incidents of discrimination or if you have any concerns about BEAM's goal to be a safe space for all participants, please speak with the Site Director or Executive Director.

## **Bard College Supplement to Nondiscrimination Policy**

At the Bard College site, the following information about the federal Title IX program is provided by the college:

Title IX, a federal law that prohibits discrimination in education on the basis of sex, ensures individuals have the right and can expect incidents of discrimination and harassment to be taken seriously. In accordance with Title IX policies, federal and state law, any staff member with awareness of misconduct or discrimination, sexual or other, involving any Bard programming, inclusive of programming with minors, is required to report such knowledge. If you, or anyone you know, has been subjected to misconduct or discriminatory behavior, please contact the Office of Title IX Coordination, 845.758.7542 or [titleix@bard.edu](mailto:titleix@bard.edu). The Office of Title IX Coordination will work in a discrete manner to protect the privacy of all involved parties while conducting an inquiry into the alleged incident/s.

Bard College has provided two other relevant materials that are included at the end of this manual.

### **Americans with Disability Act**

The Americans with Disabilities Act As Amended (ADAAA) prohibits employers from discriminating against applicants and individuals with disabilities, and requires employers, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of BEAM to comply with all federal, state, and local laws concerning the employment of persons with disabilities. Furthermore, it is the policy of BEAM not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment. Please contact the Director of Finance and Administration with any questions or requests for accommodation.

### **Violence in the Workplace**

All employees, students, visitors, vendors, and business associates must be treated with courtesy and respect at all times. Employees are expected to refrain from conduct that may be dangerous to others.

Conduct that threatens, intimidates or bullies another employee, student, visitor, vendor, or business associate will not be tolerated. BEAM resources may not be used to threaten, stalk, or harass anyone at the workplace or outside the workplace. BEAM treats threats coming from an abusive personal relationship as it does other forms of violence.

BEAM encourages employees to bring their concerns to the attention of their supervisors before a situation escalates. Anyone found to be responsible for threats of violence of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

## **Provision of a Lactation Room**

BEAM will make a lactation room available to employees who need to express breastmilk during the workday, unless doing so would be an undue hardship at that BEAM site.

Employees have the right to request a lactation room, which they may do by contacting the Director of Finance and Administration (for year-round employees) or their Site Director (for summer employees). The request may be verbal, but should be followed by an email to provide a written record. Employees will receive a response in no more than five business days.

If feasible, a lactation room will be provided. This room will be a sanitary place, other than a restroom, that is shielded from view and free from intrusion. It will also include, at a minimum, an electrical outlet, a chair, a surface on which to place a breast pump and other personal items, and nearby access to running water. (At BEAM Summer Away, this will often be the individual's dorm room.) If such a room has multiple purposes, then use for lactation shall take priority over other uses; notice will be given to other employees and a mechanism will be provided to ensure privacy (e.g. a sign or lock or both).

BEAM will provide reasonable unpaid break time for employees to express breast milk as needed. If two or more people need to use the lactation room at the same time, additional space will be provided or other arrangements will be developed; please speak with the Director of Finance and Administration or Site Director.

In the unlikely event that the specifics of the work environment make providing a lactation room an undue hardship for BEAM, then the Director of Finance and Administration will engage in a cooperative dialogue to determine suitable accommodation. A written response will then be issued.

## **Employment Policies and Procedures**

### **Conditions for Employment**

All Employees must provide the legally-required proof of identity, be authorized to work in the United States, satisfy a reference check, and have the proper training and certifications required by the position, if any.

## **Time Off During the Summer**

### **Sick Leave**

It is important that staff are not ill while around students. Staff who are sick during the summer receive one paid sick day. Except in cases where you are incapacitated, you must notify your site director with ample time to adjust daily responsibilities, and in particular before your first task of the day.

If you take a sick day, your site director may ask you to bring in a doctor's note verifying the illness.

In the event that your illness continues past one day, please speak with the site director. It may be possible to allow additional sick days. It is much more important that students stay safe; do not expose students at the program to any disease that may be contagious.

Because BEAM's summer programs are of short duration, we are unable to provide vacation days during our summer program operations.

### **Other Time Off**

Working at BEAM is a commitment. For our residential programs, we expect all staff to be there for the full duration of the program; for our non-residential programs, we expect all staff to be there whenever they have commitments. For example, we expect you to schedule non-essential doctor's appointments for a time that does not conflict with your work schedule.

In the event that you must take time away from the program for other reasons (for example, urgent family matters, a job interview, etc.) please speak with your site director as soon as possible. It is BEAM's general policy to prorate pay based on the total number of days of work (counting field trip days and setup/wrap-up days as full days). If you are only available for part of a day, you may be prorated a half day. In some cases, however, we may be able to make exceptions to this if a suitable arrangement can be made to make comparable contributions to the time that was missed.

Faculty should note that days when they are not teaching (due to math circles in their BEAM Discovery classes, or weeks when they are not teaching a topics course) are not considered days off, because we expect faculty to be visiting others' courses during that time. However, faculty at BEAM Summer Away have sometimes arranged their schedules to have a full weekend day with no responsibilities (for example, by volunteering for tasks on other days) and in that case, with permission from the site director, it may be possible to take the full day off.

Please note that if you do request time off, you should speak to the site director directly. Do not ask another staff member to cover your tasks as the site director may prefer a different arrangement.

For more details on leave (paid and unpaid) and reasons for leave, you may speak with the site director for BEAM's policies.

## **Employment Background Screening**

### **At Time of Offer**

All offers of employment will include notification that the offer of employment is contingent on passing a criminal background check. A consent form will be provided promptly for the prospective employee, and the background check will be initiated promptly. Background checks are limited to criminal background checks and screenings of the sex offender registry for purposes of determining if the applicant is suitable for supervision of children.

### **For Rehiring**

Background checks will be conducted with appropriate state agencies on an annual basis for returning employees. Full background checks will be conducted at least once every three years for employees who remain employed by BEAM.

### **Adverse Actions**

If upon review it is determined that an applicant is not suitable for supervising children based on the results of the background check, the following actions will be taken.

- The applicant will be sent a letter outlining the preliminary decision. The letter will give ten business days for the applicant to reply to the preliminary decision. The letter will include a summary of the applicant's rights under the Fair Credit Reporting Act, a copy of the background check report, and full contact information for the company that provided the background check including name, address, and phone number.
- If the ten days pass and there is no reply, then the applicant's offer of employment will be rescinded on this basis. If there is a reply that factually challenges the report, then a determination will be made as to the truth of the assertions in the report. If there is a reply that does not factually challenge the report, then a final decision on suitability will be made by program leadership.

## **Additional Policies**

### **Salary**

Staff are generally paid twice per month via direct deposit. (Hourly employees are paid every two weeks.) You may ask your supervisor or manager if you wish to confirm your status.

Please note that, federal, state, and local taxes will be withheld. Both California and New York have relatively high tax rates, so withholding may be larger than you are used to. You can see the details on your paystub. If you live in a different state, you may be able to get a partial refund when filing taxes.

### **Crisis Management and Fire Safety**

The main points of crisis management are:

- First priority is student safety.
- Staff shall remain calm, maintain order, supervision and accountability of students at all times.
- Inform the SD/ED of all developments as soon as possible.

In situations that involve evacuating buildings, including in the case of fire:

- A meeting point will be set up before the program starts. The first staff member to arrive should take attendance using their list of students. All staff members must carry their list of students at all times.
- Tell the SD/ED immediately if any students are missing. They will take appropriate steps and notify authorities as needed. If there is a fire or other emergency, the SD/ED will be responsible for ensuring that 911 is called.
- If the group leaves the immediate area and not everyone is present or can be notified, leave a note.
- No one will be permitted to re-enter a burning building until it has been deemed safe by the proper authorities. Any rescue attempt of a person from a burning building should be conducted by the fire department.
- The first priority is student safety! Any efforts to fight the fire should be made only if students are safely evacuating and it is a small fire that does not present any danger to the staff member, including from smoke inhalation.

BEAM summer programs will run a fire drill during orientation.

For prolonged crises, the program will adjust plans as follows.

- Student safety is the first priority. If for any reason we cannot maintain student safety, we will return students to home via the fastest reliable means available. (Chartering a bus, Amtrak, etc.)

- For residential programs, if the dorm becomes unavailable due to emergency but the program can otherwise continue, we may seek alternative housing (such as a hotel), especially in the event that transportation to NYC is unavailable.
- Every effort will be made to notify parents of any crisis situations.

## Appendices

1. Child sex abuse information and reference pages
2. Art of Problem Solving Initiative, Inc. Sexual Harassment Policy
3. Government notices on employee rights and safety
4. Bard College Title IX and Minors on Campus notice (required for Bard College site only)
5. Bard College Title IX and Gender-Based Misconduct notice (required for Bard College site only)
6. New York State Paid Sick Leave notice
7. Travel and expense policy
8. Edwin Gould Foundation Accelerator Manual (for full-time employees only)



# Summary Guide for Mandated Reporters in New York State



This material provides mandated reporters with an overview of their obligations and some basic information about the New York State Child Protective Services (CPS) system.

## Who Are Mandated Reporters?

New York State recognizes that certain professionals are specially equipped to perform the important role of mandated reporter of child abuse or maltreatment. Those professionals include:

- \* Physician
- \* Registered physician's assistant
- \* Surgeon
- \* Medical examiner
- \* Coroner
- \* Dentist
- \* Dental hygienist
- \* Osteopath
- \* Optometrist
- \* Chiropractor
- \* Podiatrist
- \* Resident
- \* Intern
- \* Psychologist
- \* Registered nurse
- \* Social worker
- \* Emergency medical technician
- \* Licensed creative arts therapist
- \* Licensed marriage and family therapist
- \* Licensed mental health counselor
- \* Licensed psychoanalyst
- \* Hospital personnel engaged in the admission, examination, care, or treatment of persons
- \* Christian Science practitioner
- \* School official, including (but not limited to):
  - school teacher
  - school guidance counselor
  - school psychologist
  - school social worker
- school nurse
- school administrator or other school personnel required to hold a teaching or administrative license or certificate
- \* Social services worker
- \* Director of a children's overnight camp, summer day camp or traveling summer day camp
- \* Day care center worker
- \* School-age child care worker
- \* Provider of family or group family day care
- \* Employee or volunteer in a residential care facility for children
- \* Any other child care or foster care worker
- \* Mental health professional
- \* Substance abuse counselor
- \* Alcoholism counselor
- \* All persons credentialed by the NYS Office of Alcoholism and Substance Abuse Services
- \* Peace officer
- \* Police officer
- \* District attorney or assistant district attorney
- \* Investigator employed in the office of the district attorney
- \* Any other law enforcement official

The entire current list can be found in Article 6, Title 6, Section 413 of the New York Social Services Law, which can be accessed online through the New York State Legislature's Website (<http://public.leginfo.state.ny.us/menuf.cgi>). Click on Laws of New York to access Social Services Law.

## When Am I Mandated to Report?

Mandated reporters are required to report suspected child abuse or maltreatment when they are presented with a **reasonable cause** to suspect child abuse or maltreatment in a situation where a child, parent, or other person legally responsible for the child is before the mandated reporter when the mandated reporter is acting in his or her official or professional capacity. "Other person legally responsible" refers to a guardian, caretaker, or other person 18 years of age or older who is responsible for the care of the child.

Mandated reporters who are social services workers have expanded reporting requirements. Social services workers are

required to report when, in their official or professional role, they are presented with a reasonable cause to suspect child abuse or maltreatment where **any person** is before the mandated reporter and the mandated reporter is acting in his or her official or professional capacity.

## What is a Professional Role?

For example, a doctor examining a child in her practice who has a reasonable suspicion of abuse must report her concern. In contrast, the doctor who witnesses child abuse when riding her bike while off-duty is not mandated to report that abuse. The mandated reporter's legal responsibility to report suspected child abuse or maltreatment ceases when the mandated



reporter stops practicing his/her profession. **Of course, anyone may report any suspected abuse or maltreatment at any time and is encouraged to do so.**

### **Reasonable Cause to Suspect**

Reasonable cause to suspect child abuse or maltreatment means that, based on your rational observations, professional training and experience, you have a suspicion that the parent or other person legally responsible for a child is responsible for harming that child or placing that child in imminent danger of harm. Your suspicion can be as simple as distrusting an explanation for an injury.

### **What Is Abuse and Maltreatment?**

#### *Abuse*

Abuse encompasses the most serious injuries and/or risk of serious injuries to children by their caregivers. An abused child is one whose parent or other person legally responsible for his or her care inflicts serious physical injury upon the child, creates a substantial risk of serious physical injury, or commits a sex offense against the child. Abuse also includes situations where a parent or other person legally responsible knowingly allows someone else to inflict such harm on a child.

#### *Maltreatment (includes Neglect)*

Maltreatment means that a child's physical, mental or emotional condition has been impaired, or placed in imminent danger of impairment, by the failure of the child's parent or other person legally responsible to exercise a minimum degree of care by:

- \* failing to provide sufficient food, clothing, shelter, education; or
- \* failing to provide proper supervision, guardianship, or medical care (refers to all medical issues, including dental, optometric, or surgical care); or
- \* inflicting excessive corporal punishment, abandoning the child, or misusing alcohol or other drugs to the extent that the child was placed in imminent danger.

Poverty or other financial inability to provide the above is not maltreatment.

*Note: The definitions of abuse and maltreatment are different for children in residential facilities operated or licensed by the state.*

### **How Do I Recognize Child Abuse and Maltreatment?**

The list that follows contains some common indicators of abuse or maltreatment. This list is not all-inclusive, and some abused or maltreated children may not show any of these symptoms.

#### *Indicators of Physical Abuse Can Include:*

- \* Injuries to the eyes or both sides of the head or body (accidental injuries typically only affect one side of the body);
- \* Frequent injuries of any kind (bruises, cuts, and/or burns), especially if the child is unable to provide an adequate explanation of the cause. These may appear in distinctive patterns such as grab marks, human bite marks, cigarette burns, or impressions of other instruments;
- \* Destructive, aggressive, or disruptive behavior;
- \* Passive, withdrawn, or emotionless behavior;
- \* Fear of going home or fear of parent(s).

#### *Indicators of Sexual Abuse Can Include:*

- \* Symptoms of sexually transmitted diseases;
- \* Injury to genital area;
- \* Difficulty and/or pain when sitting or walking;
- \* Sexually suggestive, inappropriate, or promiscuous behavior or verbalization;
- \* Expressing age-inappropriate knowledge of sexual relations;
- \* Sexual victimization of other children.

#### *Indicators of Maltreatment Can Include:*

- \* Obvious malnourishment, listlessness, or fatigue;
- \* Stealing or begging for food;
- \* Lack of personal care—poor personal hygiene, torn and/or dirty clothes;
- \* Untreated need for glasses, dental care, or other medical attention;
- \* Frequent absence from or tardiness to school;
- \* Child inappropriately left unattended or without supervision.



## Where Do I Call to Make a Report?

As soon as you suspect abuse or maltreatment, you must report your concerns by telephone to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR). The SCR is open 24 hours a day, seven days a week, to receive your call. The timeliness of your call is vital to the timeliness of intervention by the local department of social services' Child Protective Services (CPS) unit. You are not required to notify the parents or other persons legally responsible either before or after your call to the SCR. In fact, in some cases, alerting the parent may hinder the local CPS investigation and adversely affect its ability to assess the safety of the children.

The telephone numbers to report abuse or maltreatment are:

**Mandated Reporter (800) 635-1522**  
**Public Hotline (800) 342-3720**

Two counties run child abuse hotlines that may be used instead of the SCR:

**Onondaga County (315) 422-9701**  
**Monroe County (585) 461-5690**

Oral reports to the SCR from a mandated reporter must be followed within 48 hours by a written report to the local department of social services' CPS unit on form LDSS-2221A. A copy of this form and the local mailing address can be obtained by contacting your local department of social services, or by visiting the New York State Office of Children and Family Services (OCFS) website at [www.ocfs.state.ny.us](http://www.ocfs.state.ny.us). Click on "Forms" and then "Child Protective Services" to access LDSS-2221A. Click on "contact us" and scroll down to "Contacting Your Local Department of Social Services" for addresses.

## What Happens When I Call the SCR?

There may be times when you have very little information on which to base your suspicion of abuse or maltreatment, but this should not prevent you from calling the SCR. A trained specialist at the SCR will help to determine if the information you are providing can be registered as a report. The LDSS-2221A mandated reporter form can be used to help you organize the identifying or demographic information you have at your disposal.

Be sure to ask the SCR specialist for the "Call I.D." assigned to the report you have made.

If the SCR staff does not register the child abuse or maltreatment report, the reason for the decision should be clearly explained to you. You may also request to speak to a supervisor, who can help make determinations in difficult or unusual cases.

### *Local CPS Role and Responsibilities*

When a report is registered at the SCR, the local department of social services is immediately notified for investigation and follow-up. A local CPS caseworker will initiate an investigation within 24 hours.

CPS intervention consists of an evaluation of the child and other children in the home and the development of a plan to meet the needs of the child and family. If there is an immediate threat to the child's life or health, CPS may remove the child from the home.

Upon request, CPS may obtain from the mandated reporter those records that are essential to a full investigation of alleged child abuse and maltreatment for any report made by the mandated reporter. The mandated reporter must determine which records are essential to the full investigation and provide those records to CPS when requested to do so.

Within 60 days of initiating the investigation, CPS will determine whether the report is indicated or unfounded. Mandated reporters may ask to be informed of the outcome of the report.

### *Law Enforcement Referrals*

If a call to the SCR provides information about an immediate threat to a child or a crime committed against a child, but the perpetrator is not a parent or other person legally responsible for the child, the SCR staff will make a Law Enforcement Referral (LER). The relevant information will be recorded and transmitted to the New York State Police Information Network or to the New York City Special Victims Liaison Unit. This is not a CPS report, and local CPS will not be involved.



## What Protection or Liability Do I Have?

### *Source Confidentiality*

The Social Services Law provides confidentiality for mandated reporters and all sources of child abuse and maltreatment reports. OCFS and local CPS are not permitted to release to the subject of the report any data that would identify the source of a report unless the source has given written permission for them to do so. Information regarding the source of the report may be shared with court officials, police, and district attorneys, but only in certain circumstances.

### *Immunity from Liability*

If a mandated reporter makes a report with earnest concern for the welfare of a child, he or she is immune from any criminal or civil liability that might result. This is referred to as making a report in “good faith.”

### *Protection from Retaliatory Personnel Action*

Section 413 of the Social Services Law specifies that no medical or other public or private institution, school, facility or agency shall take any retaliatory personnel action against an employee who made a report to the SCR. Furthermore, no school, school official, child care provider, foster care provider, or mental health facility provider shall impose any conditions, including prior approval or prior notification, upon a member of their staff mandated to report suspected child abuse or maltreatment.

### *Penalties for Failure to Report*

Anyone who is mandated to report suspected child abuse or maltreatment—and fails to do so—could be charged with a Class A misdemeanor and subject to criminal penalties. Further, mandated reporters can be sued in a civil court for monetary damages for any harm caused by the mandated reporter's failure to make a report to the SCR.

## Who Provides Training for Mandated Reporters?

The New York State Education Department (SED) Office of the Professions oversees the training requirements for mandated reporters. Some categories—including teachers, many medical professionals, and social workers—need this training as part of their licensing requirement. The training may be included in their formal education program.

The New York State Office of Children and Family Services (OCFS) is proud to be a certified provider authorized by SED to

offer mandated reporter training, and has developed a comprehensive curriculum with content customized to medical professionals, educators, law enforcement personnel, day care providers, and human services staff. OCFS has shared this well-received curriculum with other certified providers of mandated reporter training, as well as with colleges and universities across the state that provide educational programming in the fields covered by the mandated reporter statute.

OCFS provides mandated reporter training through a contractual agreement with the Center for Development of Human Services (CDHS), part of the Research Foundation of SUNY, Buffalo State College.

All training offered through OCFS, including the *new two-hour self-directed online training course*, the two-day Training for Trainers, and satellite video conferences, are accessible at no cost to the participant at [www.nysmandatedreporter.org](http://www.nysmandatedreporter.org).

## Conclusion

Protecting children and preventing child abuse and maltreatment does not begin or end with reporting. Efforts to prevent child abuse and maltreatment can only be effective when mandated reporters and other concerned citizens work together to improve the safety net in their communities.

To be most effective, your local CPS needs strong partnerships within your community. By getting to know the staff in your local CPS unit, you will gain a better understanding of how your local program is structured, and CPS will better understand how to work more effectively with you.

By working together, we can better protect our vulnerable children.

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## New York State Office of Children & Family Services

Capital View Office Park, 52 Washington Street  
Rensselaer, New York 12144

Visit our website at:  
[www.ocfs.state.ny.us](http://www.ocfs.state.ny.us)

To report child abuse and neglect, call:  
**1-800-342-3720**

For information on the Abandoned Infant Protection Act, call:  
**1-866-505-SAFE (7233)**

Mandated Reporters Hotline for making child abuse and maltreatment reports:  
**1-800-635-1522**

For additional copies of this pamphlet visit our website at: [www.ocfs.state.ny.us](http://www.ocfs.state.ny.us) and click on “Publications.”



[www.youtube.com/ocfsnews](http://www.youtube.com/ocfsnews)

Pub. 1159 (Rev. 8/2011)

# Child Abuse Identification & Reporting Guidelines

Information for school personnel and those who work in our children's schools to be able to identify signs of suspected cases of child abuse and/or child neglect and to have the tools to know how to make a report to the proper authorities.

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These guidelines are issued by the California Department of Education (CDE), in conjunction with the California Department of Social Services, to help all persons, particularly those persons who work in our children's schools, to be able to identify signs of suspected cases of child abuse and/or child neglect and to have the tools to know how to make a report to the proper authorities. These guidelines are issued in conjunction with an extensive training module, specifically aimed at training school employees and educators on their obligations as mandated reporters of child abuse, which can be located online at [California Child Abuse Mandated Reporter Training](#) .

## Identification of Child Abuse and Neglect

Child abuse is more than bruises or broken bones. While physical abuse often leaves visible scars, not all child abuse is as obvious, but can do just as much harm. It is important that individuals working with and around children be able to know what constitutes child abuse or child neglect and know how to identify potential signs.

## Child Abuse and/or Child Neglect Can Be Any of the Following:

- A physical injury inflicted on a child by another person other than by accidental means.
- The sexual abuse, assault, or exploitation of a child.
- The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. This is whether the harm or threatened harm is from acts or omissions on the part of the responsible person.
- The willful harming or endangerment of the person or health of a child, any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition.

One does not have to be physically present or witness the abuse to identify suspected cases of abuse, or even have definite proof that a child may be subject to child abuse or neglect. Rather, the law requires that a person have a "reasonable suspicion" that a child has been the subject of child abuse or neglect. Under the law, this means that it is reasonable for a person to entertain a suspicion of child abuse or neglect, based upon facts that could cause a reasonable person, in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect.

Red flags for abuse and neglect are often identified by observing a child's behavior at school, recognizing physical signs, and observations of dynamics during routine interactions with certain adults. While the following signs are not proof that a child is the subject of abuse or neglect, they should prompt one to look

further.

## Warning Signs of Emotional Abuse in Children

- Excessively withdrawn, fearful, or anxious about doing something wrong.
- Shows extremes in behavior (extremely compliant or extremely demanding; extremely passive or extremely aggressive).
- Doesn't seem to be attached to the parent or caregiver.
- Acts either inappropriately adult-like (taking care of other children) or inappropriately infantile (rocking, thumb-sucking, throwing tantrums).

## Warning Signs of Physical Abuse in Children

- Frequent injuries or unexplained bruises, welts, or cuts.
- Is always watchful and "on alert" as if waiting for something bad to happen.
- Injuries appear to have a pattern such as marks from a hand or belt.
- Shies away from touch, flinches at sudden movements, or seems afraid to go home.
- Wears inappropriate clothing to cover up injuries, such as long-sleeved shirts on hot days.

## Warning Signs of Neglect in Children

- Clothes are ill-fitting, filthy, or inappropriate for the weather.
- Hygiene is consistently bad (unbathed, matted and unwashed hair, noticeable body odor).
- Untreated illnesses and physical injuries.
- Is frequently unsupervised or left alone or allowed to play in unsafe situations and environments.
- Is frequently late or missing from school.

## Warning Signs of Sexual Abuse in Children

- Trouble walking or sitting.
- Displays knowledge or interest in sexual acts inappropriate to his or her age, or even seductive behavior.
- Makes strong efforts to avoid a specific person, without an obvious reason.
- Doesn't want to change clothes in front of others or participate in physical activities.
- A sexually transmitted disease (STD) or pregnancy, especially under the age of fourteen.
- Runs away from home.

## Reporting Child Abuse or Neglect

Community members have an important role in protecting children from abuse and neglect. While not mandated by law to do so, if child abuse or neglect is suspected, a report should be filed with qualified and experienced agencies that will investigate the situation. Examples of these agencies are listed below. Parents and guardians of pupils have the right to file a complaint against anyone they suspect has engaged in abuse or neglect of a child. **Community members do not need to provide their name when making a report of child abuse or neglect.** Telephone numbers for each county's emergency response for child abuse reporting are located at [California Emergency Response Child Abuse Reporting Telephone Numbers](#)  (PDF).

School volunteers, while not mandated reporters, should also be encouraged to report any suspected cases of abuse and neglect. Additionally, school volunteers are highly encouraged by the law to have training in the identification and reporting of child abuse and neglect. The training offered online to mandated reporters, is

equally available to school volunteers.

## Obligations of Mandated Reporters

A list of persons whose profession qualifies them as “mandated reporters” of child abuse or neglect is found in California Penal Code Section 11165.7. The list is extensive and continues to grow. It includes all school/district employees, administrators, and athletic coaches. All persons hired into positions included on the list of mandated reporters are required, upon employment, to be provided with a statement, informing them that they are a mandated reporter and their obligations to report suspected cases of abuse and neglect pursuant to California Penal Code Section 11166.5.

All persons who are mandated reporters are required, by law, to report all known or suspected cases of child abuse or neglect. It is not the job of the mandated reporter to determine whether the allegations are valid. If child abuse or neglect is reasonably suspected or if a pupil shares information with a mandated reporter leading him/her to believe abuse or neglect has taken place, the report must be made. No supervisor or administrator can impede or inhibit a report or subject the reporting person to any sanction.

To make a report, an employee must contact an appropriate local law enforcement or county child welfare agency, listed below. This legal obligation is not satisfied by making a report of the incident to a supervisor or to the school. An appropriate law enforcement agency may be one of the following:

- A Police or Sheriff’s Department (not including a school district police department or school security department).
- A County Probation Department, if designated by the county to receive child abuse reports.
- A County Welfare Department/County Child Protective Services.

The report should be made immediately over the telephone and should be followed up in writing. The law enforcement agency has special forms for this purpose that they will ask you to complete. If a report cannot be made immediately over the telephone, then an initial report may be made via e-mail or fax. A report may also be filed at the same time with your school district or county office of education (COE). School districts and COEs, however, do not investigate child abuse allegations, nor do they attempt to contact the person suspected of child abuse or neglect.

School districts and COEs may have additional policies adopted at the local level relating to the duties of mandated reporters. School staff should consult with their district to determine if there are additional steps that must be taken.

These policies do not take the place of reporting to an appropriate local law enforcement or county child welfare agency.

## New Required Training for School Employees

Effective January 1, 2015, Assembly Bill 1432 (D-Gatto) requires all local educational agencies (LEAs) to train all employees each year on what they need to know in order to identify and report suspected cases of child abuse and neglect. “All employees” includes anybody working on the LEA’s behalf, such as teachers, teacher’s aides, classified employees, and any other employees whose duties bring them into direct contact and supervision of students. LEAs must also develop a process to provide proof that employees received training. An online training module has been developed specially for educators and is located at [California](#)

[Child Abuse Mandated Reporter Training](#) . Alternative training methods may be used but, if an LEA uses training other than the online training module, the LEA must report that fact to the CDE and inform the CDE of the training that was used. A form for this purpose is available at [Reporting Form for LEAs Who Use Alternative Training For Mandatory Reporting](#) (DOC).

## Rights to Confidentiality and Immunity

Mandated reporters are required to give their names when making a report. However, the reporter's identity is kept confidential. Reports of suspected child abuse are also confidential. Mandated reporters have immunity from state criminal or civil liability for reporting as required. This is true even if the mandated reporter acquired the knowledge, or suspicion of the abuse or neglect, outside his/her professional capacity or scope of employment.

## Consequences of Failing to Report

A person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and/or up to a \$1,000 fine (California Penal Code Section 11166[c]).

## After the Report is Made

The local law enforcement agency is required to investigate all reports. Cases may also be investigated by Child Welfare Services when allegations involve abuse or neglect within families.

## Child Protective Services

The Child Protective Services (CPS) is the major organization to intervene in child abuse and neglect cases in California. Existing law provides for services to abused and neglected children and their families. More information can be found at [Child Protective Services](#).

**Questions: Nancy Zarenda | [nzarenda@cde.ca.gov](mailto:nzarenda@cde.ca.gov) | 916-445-8441**

Last Reviewed: Monday, August 7, 2017

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# FACTS *for* FAMILIES

No. 28

(Updated July 2004)

## RESPONDING TO CHILD SEXUAL ABUSE

When a child tells an adult that he or she has been sexually abused, the adult may feel uncomfortable and may not know what to say or do. The following guidelines should be used when responding to children who say they have been sexually abused:

**What to Say** If a child even hints in a vague way that sexual abuse has occurred, encourage him or her to talk freely. Don't make judgmental comments.

- Show that you understand and take seriously what the child is saying. Child and adolescent psychiatrists have found that children who are listened to and understood do much better than those who are not. The response to the disclosure of sexual abuse is critical to the child's ability to resolve and heal the trauma of sexual abuse.
- Assure the child that they did the right thing in telling. A child who is close to the abuser may feel guilty about revealing the secret. The child may feel frightened if the abuser has threatened to harm the child or other family members as punishment for telling the secret.
- Tell the child that he or she is not to blame for the sexual abuse. Most children in attempting to make sense out of the abuse will believe that somehow they caused it or may even view it as a form of punishment for imagined or real wrongdoings.
- Finally, offer the child protection, and promise that you will promptly take steps to see that the abuse stops.

### **What to Do**

Report any suspicion of child abuse. If the abuse is within the family, report it to the local Child Protection Agency. If the abuse is outside of the family, report it to the police or district attorney's office. Individuals reporting in good faith are immune from prosecution. The agency receiving the report will conduct an evaluation and will take action to protect the child.

Parents should consult with their pediatrician or family physician, who may refer them to a physician who specializes in evaluating and treating sexual abuse. The examining doctor will evaluate the child's condition and treat any physical problem related to the abuse, gather evidence to help protect the child, and reassure the child that he or she is all right.

## Responding to Child Sexual Abuse, “Facts for Families,” No. 28 7/04)

Children who have been sexually abused should have an evaluation by a child and adolescent psychiatrist or other qualified mental health professional to find out how the sexual abuse has affected them, and to determine whether ongoing professional help is necessary for the child to deal with the trauma of the abuse. The child and adolescent psychiatrist can also provide support to other family members who may be upset by the abuse.

While most allegations of sexual abuse made by children are true, some false accusations may arise in custody disputes and in other situations. Occasionally, the court will ask a child and adolescent psychiatrist to help determine whether the child is telling the truth, or whether it will hurt the child to speak in court about the abuse. When a child is asked as to testify, special considerations--such as videotaping, frequent breaks, exclusion of spectators, and the option not to look at the accused--make the experience much less stressful.

Adults, because of their maturity and knowledge, are always the ones to blame when they abuse children. The abused children should never be blamed.

When a child tells someone about sexual abuse, a supportive, caring response is the first step in getting help for the child and reestablishing their trust in adults.

Additional/related *Facts for Families*:

#5 Child Abuse: The Hidden Bruises

#24 When to Seek Help for Your Child

#9 Child Sexual Abuse

#70 Posttraumatic Stress Disorder (PTSD) and

#52 Comprehensive Psychiatric Evaluation.

See also: *Your Child* (1998 Harper Collins)/*Your Adolescent* (1999 Harper Collins).

###

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You may also mail in your contribution. Please make checks payable to the AACAP and send to *Campaign for America's Kids*, P.O. Box 96106, Washington, DC 20090.

The American Academy of Child and Adolescent Psychiatry (AACAP) represents over 7,000 child and adolescent psychiatrists who are physicians with at least five years of additional training beyond medical school in general (adult) and child and adolescent psychiatry.

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## Child Sexual Abuse

It can be very difficult to talk about sexual abuse and even more difficult to acknowledge that sexual abuse of children of all ages including infants happens every day. Sexual abuse of children has become the subject of great community concern and the focus of many legislative and professional initiatives. This is evidenced by the expanding body of literature on sexual abuse, public declarations by adult survivors and increased media coverage of sexual abuse issues.

According to the National Child Abuse and Neglect Data System (NCANDS), an estimated 9.3 percent of confirmed or substantiated child abuse and neglect cases in 2005 involved sexual abuse (U.S. Department of Health and Human Services, 2007). This figure translates into over 83,800 victims in 2005 alone (USDHHS, 2007). Other studies suggest that even more children suffer abuse and neglect than is ever reported to child protective services agencies. Statistics indicate that girls are more frequently the victims of sexual abuse, but the number of boys is also significant.

### What Is Child Sexual Abuse?

At the extreme end of the spectrum, sexual abuse includes sexual intercourse or its deviations. Yet all offences that involve sexually touching a child, as well as non-touching offenses and sexual exploitation, are just as harmful and devastating to a child's well-being.

Touching sexual offenses include:

- Fondling;
- Making a child touch an adult's sexual organs; and
- Penetrating a child's vagina or anus no matter how slight with a penis or any object that doesn't have a valid medical purpose.

Non-touching sexual offenses include:

- Engaging in indecent exposure or exhibitionism;
- Exposing children to pornographic material;
- Deliberately exposing a child to the act of sexual intercourse; and
- Masturbating in front of a child.

Sexual exploitation can include:

- Engaging a child or soliciting a child for the purposes of prostitution; and
- Using a child to film, photograph or model pornography.

These definitions are broad. In most states, the legal definition of child molestation is an act of a person—adult or child—who forces, coerces or threatens a child to have any form of sexual contact or to engage in any type of sexual activity at the perpetrator's direction.

### What Are the Effects of Child Sexual Abuse?

The effects of sexual abuse extend far beyond childhood. Sexual abuse robs children of their childhood and creates a loss of trust, feelings of guilt and self-abusive behavior. It can lead to antisocial behavior, depression, identity confusion, loss of self-esteem and other serious emotional problems. It can also lead to difficulty with intimate relationships later in life. The sexual victimization of children is ethically and morally wrong.

### Proving Sexual Abuse

When sexual abuse occurs the child victim may be the only witness and the child's statements may be the only evidence. In such cases, the central issue sometimes becomes whether the child's statements can be trusted. Some child welfare experts feel that children never lie about sexual abuse and that their statements must always be believed. According to Douglas Besharov in *The Future of Children* (1994), "Potential reporters are not expected to determine the truth of a child's statements. As a general rule, therefore, all doubts should be resolved in favor of making a report." He continues, "A child who describes being sexually abused should be reported unless there is clear reason to disbelieve the statement."

Child sexual abuse cases can be very difficult to prove largely because cases where definitive, objective evidence exists are the exception rather than the rule. The first indicators of sexual abuse may not be physical, but rather behavioral changes or abnormalities. Unfortunately, because it can be so difficult to accept that sexual abuse may be occurring, the adult may misinterpret the signals and feel that the child is merely being disobedient or insolent.

The reaction to the disclosure of abuse then becomes disbelief and rejection of the child's statements.

Sexual abuse is usually discovered in one of two ways:

- Direct disclosure (e.g., the victim, victim's family member or parent seeking help makes a statement)
- Indirect methods (e.g., someone witnesses the abuse to the child, the child contracts a sexually transmitted disease or the child becomes pregnant)

Sometimes the child may be so traumatized by sexual abuse that years pass before he or she is able to understand or talk about what happened. In these cases, adult survivors of sexual abuse may come forward for the first time in their 40s or 50s and divulge the horror of their experiences.

### What Should You Look for If You Suspect Sexual Abuse?

Children who are sexually abused may exhibit behavioral changes, based on their age.

Children up to age 3 may exhibit:

- Fear or excessive crying
- Vomiting
- Feeding problems
- Bowel problems
- Sleep disturbances
- Failure to thrive

Children ages 2 to 9 may exhibit:

- Fear of particular people, places or activities
- Regression to earlier behaviors such as bed wetting or stranger anxiety
- Victimization of others
- Excessive masturbation
- Feelings of shame or guilt
- Nightmares or sleep disturbances
- Withdrawal from family or friends
- Fear of attack recurring
- Eating disturbances

Symptoms of sexual abuse in older children and adolescents include:

- Depression
- Nightmares or sleep disturbances
- Poor school performance
- Promiscuity
- Substance abuse
- Aggression
- Running away from home
- Fear of attack recurring
- Eating disturbances
- Early pregnancy or marriage
- Suicidal gestures
- Anger about being forced into situation beyond one's control
- Pseudo-mature behaviors

### What Can You Do?

**Protect your children.** Teach your children what appropriate sexual behavior is and when to say “no” if someone tries to touch sexual parts of their bodies or touch them in any way that makes them feel uncomfortable. Also, observe your children when they interact with others to see if they are hesitant or particularly uncomfortable around certain adults. It is critical to provide adequate supervision for your children and only leave them in the care of individuals whom you deem safe.

**Support child abuse victims.** Children need to know that they can speak openly to a trusted adult and that they will be believed. Children who are victims of sexual abuse should always be reassured that they are not responsible for what has happened to them. Offer encouragement for victims by supporting organizations that help victims of incest or by simply reassuring victims of sexual abuse that they should not feel shame or guilt. It is important to understand that troubled families can be helped and that everyone can play a part in the process.

**Teach others about child abuse.** Help make others aware of sexual abuse by arranging for knowledgeable guest speakers to present to your organizations or groups. Encourage your local school board to establish programs to educate both teachers and students about the problem.

**Report, report, report.** If you suspect sexual abuse and believe a child to be in imminent danger, report it to the local child protective services agency (often called “social services” or “human services”) in your county or state. Professionals who work with children are required by law to report reasonable suspicion of abuse or neglect. Furthermore, in 20 states, citizens who suspect abuse or neglect are required to report it. “Reasonable suspicion” based on objective evidence, which could be firsthand observation or statements made by a parent or child, is all that is needed to report. Remember that you may be the only person in a position to help a child who is being sexually abused.

### What Is NCANDS?

NCANDS, the National Child Abuse and Neglect Data System, is the primary source of national information on abused and neglected children known to public child protective services agencies. American Humane has provided technical assistance to this project since its beginning in 1990. NCANDS reports that Child Maltreatment 2005 appears to have a large increase in overall data due to the fact that this edition is the first to include Alaska and Puerto Rico. For a copy of this report, contact the Child Welfare Information Gateway at

(800) 394-3366 or <http://www.childwelfare.gov/>. The publication is also available at <http://www.acf.hhs.gov/programs/cb>.

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# The Art of Problem Solving Initiative, Inc. Sexual Harassment Policy

## Introduction

The Art of Problem Solving Initiative, Inc. (“AoPSI”) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of AoPSI’s commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with AoPSI. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

## Policy:

1. AoPSI’s policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with AoPSI. In the remainder of this document, the term “employees” refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. AoPSI will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of AoPSI who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees<sup>2</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Director of Finance and Administration. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject AoPSI to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

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<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

5. AoPSI will conduct a prompt and thorough investigation that ensures due process for all parties whenever management receives a complaint about sexual harassment or otherwise knows of possible sexual harassment occurring. AoPSI will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. AoPSI will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Director of Finance and Administration. This requirement applies to all reports of harassment, whether written or verbal.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees.

### **What Is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is 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. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.

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 who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under 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:

- 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;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual 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 or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person’s sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people’s ideas or perceptions about how individuals of a particular sex should act or look.
- 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.
- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, 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, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace.

Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **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 sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

### **Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

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, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; 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**

**Preventing sexual harassment is everyone’s responsibility.** AoPSI cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Director of Finance and Administration. Anyone who

witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Director of Finance and Administration.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Director of Finance and Administration.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

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

### **Complaint and Investigation of Sexual Harassment**

**All** complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. AoPSI will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Director of Finance and Administration will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses.
- Create written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual 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 AoPSI but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at AoPSI, employees 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 seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with 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. 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.

Complaining internally to AoPSI 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](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://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.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 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 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto: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.

### **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 with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://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. Contact the local police department.

*The Art of Problem Solving Initiative, Inc.*

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Director of Finance and Administration. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)**

**COMPLAINANT INFORMATION**

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Email Phone In person

**SUPERVISORY INFORMATION**

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

**COMPLAINT INFORMATION**

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

*The last question is optional, but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

NYC Smoke-Free Air Act Local Law No. 47 of 2002

# No Smoking

This is a smoke-free establishment.



To report violations of the law, call 311  
or visit [www.nyc.gov/health](http://www.nyc.gov/health)

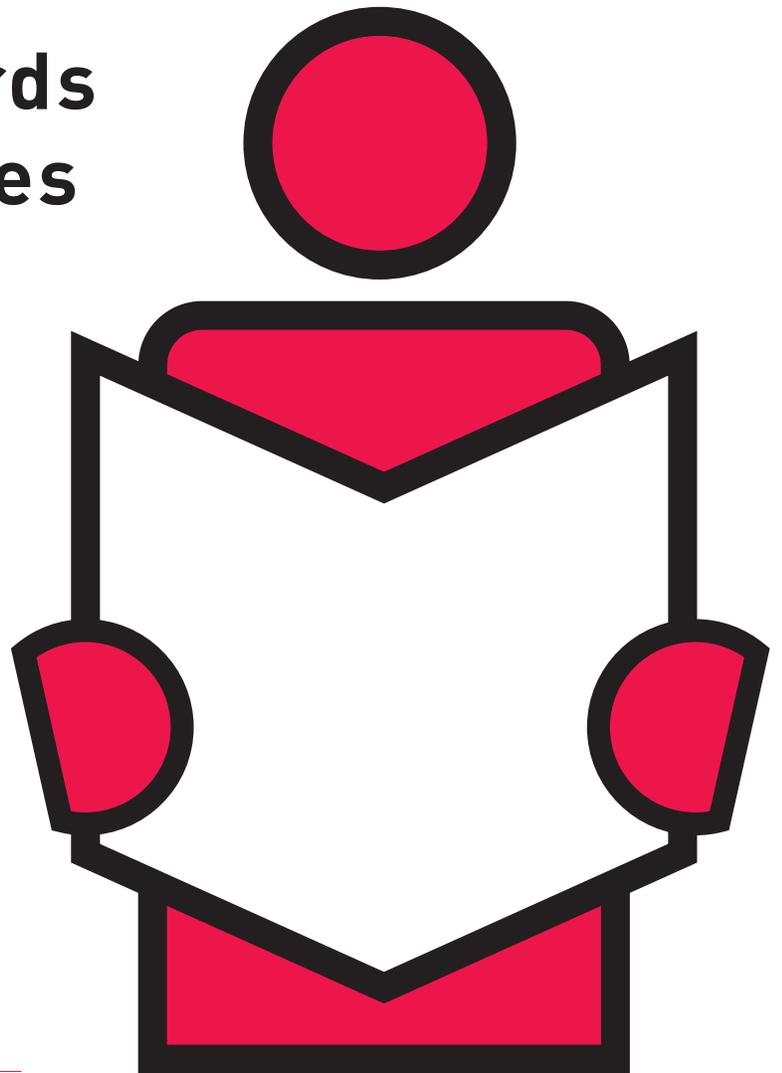
For help quitting smoking, call 311

# YOU HAVE A RIGHT TO KNOW!

Your employer must inform  
you of the health  
effects and hazards  
of toxic substances  
at your  
worksite.

Learn all  
you can  
about toxic  
substances  
on your job.

For more  
information,  
contact:



---

Name

---

Location & Phone Number

**THE RIGHT TO KNOW LAW WORKS FOR YOU.**  
NEW YORK STATE DEPARTMENT OF HEALTH



# YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

## REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

## RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

## HEALTH INSURANCE PROTECTION

- ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

## ENFORCEMENT

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its **website at <http://www.dol.gov/vets>**. An interactive online USERRA Advisor can be viewed at **<http://www.dol.gov/elaws/userra.htm>**.
- ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



**U.S. Department of Labor**  
**1-866-487-2365**

**U.S. Department of Justice Office of Special Counsel**

**1-800-336-4590**

Publication Date—October 2008

# EMPLOYEE RIGHTS

## UNDER THE FAIR LABOR STANDARDS ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

### FEDERAL MINIMUM WAGE

# \$7.25

 PER HOUR

BEGINNING JULY 24, 2009

- OVERTIME PAY** At least 1½ times your regular rate of pay for all hours worked over 40 in a workweek.
- CHILD LABOR** An employee must be at least **16** years old to work in most non-farm jobs and at least **18** to work in non-farm jobs declared hazardous by the Secretary of Labor.
- Youths **14** and **15** years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions:
- No more than**
- **3** hours on a school day or **18** hours in a school week;
  - **8** hours on a non-school day or **40** hours in a non-school week.
- Also, work may not begin before **7 a.m.** or end after **7 p.m.**, except from June 1 through Labor Day, when evening hours are extended to **9 p.m.** Different rules apply in agricultural employment.
- TIP CREDIT** Employers of “tipped employees” must pay a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee’s tips combined with the employer’s cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference. Certain other conditions must also be met.
- ENFORCEMENT** The Department of Labor may recover back wages either administratively or through court action, for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.
- Employers may be assessed civil money penalties of up to \$1,100 for each willful or repeated violation of the minimum wage or overtime pay provisions of the law and up to \$11,000 for each employee who is the subject of a violation of the Act’s child labor provisions. In addition, a civil money penalty of up to \$50,000 may be assessed for each child labor violation that causes the death or serious injury of any minor employee, and such assessments may be doubled, up to \$100,000, when the violations are determined to be willful or repeated. The law also prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the Act.
- ADDITIONAL INFORMATION**
- Certain occupations and establishments are exempt from the minimum wage and/or overtime pay provisions.
  - Special provisions apply to workers in American Samoa and the Commonwealth of the Northern Mariana Islands.
  - Some state laws provide greater employee protections; employers must comply with both.
  - The law requires employers to display this poster where employees can readily see it.
  - Employees under 20 years of age may be paid \$4.25 per hour during their first 90 consecutive calendar days of employment with an employer.
  - Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



For additional information:

# 1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

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# “EEO is the Law” Poster Supplement

## Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations revisions

*The Disability section is revised as follows:*

### **DISABILITY**

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

*The following section is added:*

### **GENETICS**

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

*The EEOC contact information is revised as follows:*

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at [www.eeoc.gov](http://www.eeoc.gov) or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at [www.eeoc.gov](http://www.eeoc.gov).

## Employers Holding Federal Contracts or Subcontracts section revisions

*The Individuals with Disabilities section is revised as follows:*

### **INDIVIDUALS WITH DISABILITIES**

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

*The Vietnam Era, Special Disabled Veterans section is revised as follows:*

### **DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS**

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

*The following section is added:*

### **RETALIATION**

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

*The OFCCP contact information is revised as follows:*

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at [OFCCP-Public@dol.gov](mailto:OFCCP-Public@dol.gov), or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

# Equal Employment Opportunity is **THE LAW**

## **Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations**

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

### **RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

### **DISABILITY**

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

### **AGE**

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

### **SEX (WAGES)**

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

### **GENETICS**

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

### **RETALIATION**

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

### **WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED**

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at [www.eeoc.gov](http://www.eeoc.gov) or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at [www.eeoc.gov](http://www.eeoc.gov).

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## Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

### **RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

### **INDIVIDUALS WITH DISABILITIES**

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

### **DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS**

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within

three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

### **RETALIATION**

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at [OFCCP-Public@dol.gov](mailto:OFCCP-Public@dol.gov), or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

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## Programs or Activities Receiving Federal Financial Assistance

### **RACE, COLOR, NATIONAL ORIGIN, SEX**

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

### **INDIVIDUALS WITH DISABILITIES**

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

# EMPLOYEE RIGHTS ON GOVERNMENT CONTRACTS

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

This establishment is performing Government contract work subject to (check one)

- SERVICE CONTRACT ACT (SCA) or**  
 **PUBLIC CONTRACTS ACT (PCA)**

**MINIMUM WAGES** Your rate must be no less than the Federal minimum wage established by the Fair Labor Standards Act (FLSA).

A higher rate may be required for SCA contracts if a wage determination applies. Such wage determination will be posted as an attachment to this Notice.

**FRINGE BENEFITS** SCA wage determinations may require fringe benefit payments (or a cash equivalent). PCA contracts do not require fringe benefits.

**OVERTIME PAY** You must be paid 1.5 times your basic rate of pay for all hours worked over 40 in a week. There are some exceptions.

**CHILD LABOR** No person under 16 years of age may be employed on a PCA contract.

**SAFETY & HEALTH** Work must be performed under conditions that are sanitary, and not hazardous or dangerous to employees' health and safety.

**ENFORCEMENT** Specific DOL agencies are responsible for the administration of these laws. To file a complaint or obtain information for: Contact the Wage and Hour Division by calling its toll-free help line at 1-866-4-USWAGE (1-866-487-9243), or visit its Web site at [www.wagehour.dol.gov](http://www.wagehour.dol.gov).

Contact the Occupational Safety and Health Administration (OSHA) by calling 1-800-321-OSHA (1-800-321-6742), or visit its Web site at [www.osha.gov](http://www.osha.gov).



For additional information:

**1-866-4-USWAGE** 

(1-866-487-9243)

TTY: 1-877-889-5627

U.S. Wage and Hour Division

**[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)**

# U.S. Department of Labor

Washington, D.C. 20210

The purpose of the discussion below is to advise contractors which are subject to the Walsh-Healey Public Contracts Act or the Service Contract Act of the principal provisions of these acts.

## Walsh-Healey Public Contracts Act

**General Provisions** This act applies to contracts which exceed or may exceed \$10,000 entered into by any agency or instrumentality of the United States for the manufacture or furnishing of materials, supplies, articles, or equipment. The act establishes minimum wage, maximum hours, and safety and health standards for work on such contracts, and prohibits the employment on contract work of convict labor (unless certain conditions are met) and children under 16 years of age. The employment of homeworkers (except homeworkers with disabilities employed under the provisions of Regulations, 29 CFR Part 525) on a covered contract is not permitted.

In addition to its coverage of prime contractors, the act under certain circumstances applies to secondary contractors performing work under contracts awarded by the Government prime contractor.

All provisions of the act except the safety and health requirements are administered by the Wage and Hour Division.

**Minimum Wage** Covered employees must currently be paid not less than the Federal minimum wage established in section 6(a)(1) of the Fair Labor Standards Act.

**Overtime** Covered workers must be paid at least one and one-half times their basic rate of pay for all hours worked in excess of 40 a week. Overtime is due on the basis of the total hours spent in all work, Government and non-Government, performed by the employee in any week in which covered work is performed.

**Child Labor** Employers may protect themselves against unintentional child labor violations by obtaining certificates of age. State employment or age certificates are acceptable.

**Safety and Health** No covered work may be performed in plants, factories, buildings, or surroundings or under work conditions that are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in the performance of the contract. The safety and health provisions of the Walsh-Healey Public Contracts Act are administered by the Occupational Safety and Health Administration.

**Posting** During the period that covered work is being performed on a contract subject to the act, the contractor must post copies of Notice to Employees Working on Government Contracts in a sufficient number of places to permit employees to observe a copy on the way to or from their place of employment.

**Responsibility for Secondary Contractors** Prime contractors are liable for violations of the act committed by their covered secondary contractors.

## Service Contract Act

**General Provisions** The Service Contract Act applies to every contract entered into by the United States or the District of Columbia, the principal purpose of which is to furnish services in the United States through the use of service employees. Contractors and subcontractors performing on such Federal contracts must observe minimum wage and safety and health standards, and must maintain certain records, unless a specific exemption applies.

**Wages and Fringe Benefits** Every service employee performing any of the Government contract work under a service contract in excess of \$2,500 must be paid not less than the monetary wages, and must be furnished the fringe benefits, which the Secretary of Labor has determined to be prevailing in the locality for the classification in which the employee is working or the wage rates and fringe benefits (including any accrued or prospective wage rates and fringe benefits) contained in a predecessor contractor's collective bargaining agreement. The wage rates and fringe benefits required are usually specified in the contract but in no case may employees doing work necessary for the performance of the contract be paid less than the minimum wage established in section 6(a)(1) of the Fair Labor Standards Act.

Service contracts which do not exceed \$2,500 are not subject to prevailing rate determinations or to the safety and health requirements of the act. However, the act does require that employees performing work on such contracts be paid not less than the minimum wage rate established in section 6(a)(1) of the Fair Labor Standards Act.

**Overtime** The Fair Labor Standards Act and the Contract Work Hours Safety Standards Act may require the payment of overtime at time and one-half the regular rate of pay for all hours work on the contract in excess of 40 a week. The Contract Work Hours Safety Standards Act is more limited in scope than the Fair Labor Standards Act and generally applies to Government contracts in excess of \$100,000 that require or involve the employment of laborers, mechanics, guards, watchmen.

**Safety and Health** The act provides that no part of the services in contracts in excess of \$2,500 may be performed in buildings or surroundings or under working conditions, provided by or under the control or supervision of the contractor or subcontractor, which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish the services. The safety and health provisions of the Service Contract Act are administered by the Occupational Safety and Health Administration.

**Notice to Employees** On the date a service employee commences work on a contract in excess of \$2,500, the contractor (or subcontractor) must provide the employee with a notice of the compensation required by the act. The posting of the notice (including any applicable wage determination) contained on the reverse in a location where it may be seen by all employees performing on the contract will satisfy this requirement.

**Notice in Subcontracts** The contractor is required to insert in all subcontracts the labor standards clauses specified by the regulations in 29 CFR Part 4 for Federal service contracts exceeding \$2,500.

**Responsibility for Secondary Contractors** Prime contractors are liable for violations of the act committed by their covered secondary contractors.

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**Other Obligations** Observance of the labor standards of these acts does not relieve the employer of any obligation he may have under any other laws or agreements providing for higher labor standards.

**Additional Information** Additional Information and copies of the acts and applicable regulations and interpretations may be obtained from the nearest office of the Wage and Hour Division or the National Office in Washington D.C. Information pertaining to safety and health standards may be obtained from the nearest office of the Occupational Safety and Health Administration or the National Office in Washington, D.C.

U.S. Department of Labor  
Employment Standards Administration  
Wage and Hour Division

# EMPLOYEE RIGHTS

## FOR WORKERS WITH DISABILITIES PAID AT SPECIAL MINIMUM WAGES

### THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

*This establishment has a certificate authorizing the payment of special minimum wages to workers who are disabled for the work they are performing. Authority to pay special minimum wages to workers with disabilities applies to work covered by the **Fair Labor Standards Act (FLSA)**, **McNamara-O'Hara Service Contract Act (SCA)**, and/or **Walsh-Healey Public Contracts Act (PCA)**. Such special minimum wages are referred to as "**commensurate wage rates**" and are less than the basic hourly rates stated in an SCA wage determination and less than the FLSA minimum wage of **\$7.25 per hour beginning July 24, 2009**. A "commensurate wage rate" is based on the worker's individual productivity, no matter how limited, in proportion to the wage and productivity of experienced workers who do not have disabilities that impact their productivity when performing essentially the same type, quality, and quantity of work in the geographic area from which the labor force of the community is drawn.*

#### WORKERS WITH DISABILITIES

For purposes of payment of commensurate wage rates under a certificate, a worker with a disability is defined as:

- An individual whose earnings or productive capacity is impaired by a physical or mental disability, including those related to age or injury, for the work to be performed.
- Disabilities which may affect productive capacity include blindness, mental illness, mental retardation, cerebral palsy, alcoholism, and drug addiction. The following do not ordinarily affect productive capacity for purposes of paying commensurate wage rates: educational disabilities; chronic unemployment; receipt of welfare benefits; nonattendance at school; juvenile delinquency; and correctional parole or probation.

#### KEY ELEMENTS OF COMMENSURATE WAGE RATES

- **Nondisabled worker standard**—The objective gauge (usually a time study of the production of workers who do not have disabilities that impair their productivity for the job) against which the productivity of a worker with a disability is measured.
- **Prevailing wage rate**—The wage paid to experienced workers who do not have disabilities that impair their productivity for the same or similar work and who are performing such work in the area. Most SCA contracts include a wage determination specifying the prevailing wage rates to be paid for SCA-covered work.
- **Evaluation of the productivity of the worker with a disability**—Documented measurement of the production of the worker with a disability (in terms of quantity and quality).

The wages of all workers paid commensurate wages must be reviewed, and adjusted if appropriate, at periodic intervals. At a minimum, the productivity of hourly-paid workers must be reevaluated at least every six months and a new prevailing wage survey must be conducted at least once every twelve months. In addition, prevailing wages must be reviewed, and adjusted as appropriate, whenever the applicable state or federal minimum wage is increased.

#### OVERTIME

Generally, if you are performing work subject to the FLSA, SCA, and/or PCA, you must be paid at least 1½ times your regular rate of pay for all hours worked over 40 in a workweek.

#### CHILD LABOR

Minors younger than **18 years of age** must be employed in accordance with the child labor provisions of FLSA. No persons under 16 may be employed in manufacturing or on a PCA contract.

#### FRINGE BENEFITS

Neither the FLSA nor the PCA have provisions requiring vacation, holiday, or sick pay nor other fringe benefits such as health insurance or pension plans. SCA wage determinations may require such fringe benefit payments (or a cash equivalent). **Workers paid under a certificate authorizing commensurate wage rates must receive the full fringe benefits listed on the wage determination.**

#### WORKER NOTIFICATION

Each worker with a disability and, where appropriate, the parent or guardian of such worker, shall be informed orally and in writing by the employer of the terms of the certificate under which such worker is employed.

#### PETITION PROCESS

Workers with disabilities paid at special minimum wages may petition the Administrator of the Wage and Hour Division of the Department of Labor for a review of their wage rates by an Administrative Law Judge. No particular form of petition is required, except that it must be signed by the worker with a disability or his or her parent or guardian and should contain the name and address of the employer. Petitions should be mailed to: Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

*Employers shall display this poster where employees and the parents and guardians of workers with disabilities can readily see it.*



For additional information:

**1-866-4-USWAGE**

(1-866-487-9243)

TTY: 1-877-889-5627



**WWW.WAGEHOUR.DOL.GOV**



New York State  
Department of Labor

Labor Law Information Relating to  
**Public Employees**

# job safety and health protection

The New York State Public Employee Safety and Health Act of 1980 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the State. Requirements of the Act include the following:

**Employers:** The Act requires that employers furnish employees a workplace free from recognized hazards and in compliance with the safety and health standards applicable to the employer's workplaces and other regulations issued by the Commissioner of Labor under the Act.

**Employees:** The Act requires that employees comply with all safety and health standards and other regulations issued under the Act that apply to their actions and conduct on the job.

**Enforcement:** The New York State Department of Labor's Division of Safety and Health (DOSH) is responsible for administering and enforcing the Act. The Commissioner issues safety and health standards, and Safety and Health Inspectors and Hygienists conduct on-site inspections to ensure compliance with the Act.

**Inspection:** The Act requires that a representative of the employer and a representative authorized by the employees be given an opportunity to accompany the DOSH Inspector or Hygienist for the purpose of aiding the inspection.

Where there is no authorized employee representative, the DOSH Inspector or Hygienist must consult with a reasonable number of employees concerning safety and health conditions in the workplace.

**Order To Comply:** If the DOSH Inspector or Hygienist believes an employer has violated the Act, an order to comply will be issued to the employer. Each order will specify a time period within which the violation must be corrected. If the violation remains uncorrected, the employer may be subject to monetary penalties.

The DOSH order to comply must be prominently displayed at or near the place of violation to warn employees of dangers that may exist.

**Complaint:** Employees or their representatives have the right to file a complaint, in writing, with the nearest DOSH office requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. DOSH will withhold, on request, names of employees complaining.

Any interested person or representative of such person or groups of persons may bring to the attention of the State Department of Labor a complaint regarding the administration or enforcement of the Public Employees Safety and Health Program. The State Department of Labor will investigate each complaint and will notify the complainant in writing of the results of such investigation as well as further channels for complaint. Such complaints may also be made to the United States Department of Labor, Occupational Safety and Health Administration, 201 Varick Street, New York, New York 10014.

**Discrimination:** The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act. Employees who believe that they have been discriminated against may file a complaint with the nearest DOSH office within 30 days of the alleged discrimination.

**Voluntary Activity:** The Department of Labor encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces.

Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury or illness to employees and supervisors. On a voluntary basis, employers may request that the DOSH office furnish consultant services to assist the employer in meeting job-site compliance with safety and health standards.

Additional information may be obtained from the nearest DOSH District Office listed below:

State Office Campus, Rm 158 Albany, NY 12240 Tel: (518) 457-5508	44 Hawley St. Binghamton, NY 13901 Tel: (607) 721-8211	65 Court Street Buffalo, NY 14202 Tel: (716) 847-7133	400 Oak Street, Suite 101 Garden City, NY 11530 Tel: (516) 228-3970
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75 Varick Street (7th Floor) New York, NY 10013 Tel: (212) 775-3548	109 S. Union Street Rochester, NY 14607 Tel: (585) 258-4570	450 South Salina Street Syracuse, NY 13202 Tel: (315) 479-3212	207 Genesee Street Utica, NY 13501 Tel: (315) 793-2258	120 Bloomingdale Road White Plains, NY 10605 Tel: (914) 997-9514
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**Post Conspicuously**

## **Workers' Compensation and Disability Benefits Posters**

New York State requires your insurance carrier to provide you both the *Notice of Compliance* for Workers' Compensation and the *Notice of Compliance* for Disability Benefits.



**New York State Department of Labor  
Worker Protection  
Division of Labor Standards**

**PERMITTED WORKING HOURS FOR MINORS UNDER 18 YEARS OF AGE**

The following chart is a summary of the permitted working hours provisions of the New York State Labor Law relating to minors less than 18 years of age:

AGE OF MINOR (GIRLS AND BOYS)	INDUSTRY OR OCCUPATION	MAXIMUM DAILY HOURS	MAXIMUM WEEKLY HOURS	MAXIMUM DAYS PER WEEK	PERMITTED HOURS
<b>MINORS ATTENDING SCHOOL</b>					
When School is in Session 14 and 15	All occupations except farm work, newspaper carrier and street trades.	3 hours on school days 8 hours on other days	18 <sup>1</sup>	6	7 AM to 7 PM
16 and 17	All occupations except farm work, newspaper carrier and street trades.	4 hours on days preceding school days (i.e., Mon., Tues., Weds., Thurs. <sup>2</sup> 8 hours on Fri., Sat., Sun. and Holidays. <sup>4</sup>	28 <sup>4</sup>	6 <sup>4</sup>	6 AM to 10 PM <sup>3</sup>
<b>When School is Not In Session (Vacation)</b>					
14 and 15	All occupations except farm work, newspaper carrier and street trades.	8 hours	40	6	7 AM to 9 PM June 21 to Labor Day
16 and 17	All occupations except farm work, newspaper carrier and street trades.	8 hours <sup>4</sup>	48 <sup>4</sup>	6 <sup>4</sup>	6 AM to Midnight <sup>4</sup>
<b>MINORS NOT ATTENDING SCHOOL</b> 16 and 17	All occupations except farm work, newspaper carrier and street trades.	8 hours <sup>4</sup>	48 <sup>4</sup>	6 <sup>4</sup>	6 AM to Midnight <sup>4</sup>
<b>FARM WORK</b>					
12 and 13	Hand harvest of berries, fruits and vegetables.	4 hours		-----	7 AM to 7 PM June 21 to Labor Day 9 AM to 4 PM Day after Labor Day to June 20
14 and older	Any farm work	-----	-----	-----	
<b>NEWSPAPER CARRIERS.</b> 11 to 18	Delivers, or sells and delivers newspapers, shopping papers or periodicals to homes or business places.	4 hours on school days 5 hours on other days	-----	-----	5 AM to 7 PM or 30 minutes prior to Sunset, whichever is later
<b>STREET TRADES</b> 14 to 18	Self-employed work in public places selling newspapers or work as a bootblack.	4 hours on school days 5 hours on other days	-----	-----	6 AM to 7 PM

<sup>1</sup>Students 14 and 15 enrolled in an approved work/study program may work 3 hours on a school day, 23 hours in any one-week when school is in session.

<sup>2</sup>Students 16 and 17 enrolled in an approved Cooperative Education Program may work up to 6 hours on a day preceding a school day other than a Sunday or Holiday when school is in session, as long as the hours are in conjunction with the Program.

<sup>3</sup>6 AM to 10 PM or until midnight with written parental and educational authorities consent on day preceding a school day and until midnight on day preceding a non-school day with written parental consent.

<sup>4</sup>This provision does not apply to minors employed in resort hotels or restaurants in resort areas.

***A SCHEDULE OF HOURS OF WORK FOR MINORS UNDER 18 YEARS OF AGE MUST BE POSTED IN THE ESTABLISHMENT BY THE EMPLOYER.***

### ADDITIONAL CHILD LABOR LAW INFORMATION

- An Employment Certificate (Working Paper) is required for all minors under 18 years of age who are employed.
  - There are numerous prohibited occupations or minors in New York State. Contact any of the offices listed below for further information.
  - Civil penalties for violations of Child Labor Laws are:
    - First Violation - maximum \$1,000\*
    - Second Violation - maximum \$2,000\*
    - Third or Subsequent Violation - maximum \$3,000\*
- \* If a minor is seriously injured or dies while illegally employed, the penalty is treble the maximum penalty allowable under the law for such violation.
- Section 14A of the Workers' Compensation Law provides double compensation and death benefits for minors illegally employed.

Inquiries concerning these laws and other provisions of the New York State Labor Law may be addressed to the Department of Labor, at one of the offices of the Division of Labor Standards listed below:

<b>CITY</b>	<b>ZIP CODE</b>	<b>ADDRESS</b>	<b>TELEPHONE</b>
ALBANY	12240	State Office Building Campus	(518) 457-2730
BINGHAMTON (Subdistrict)	13901	44 Hawley Street	(607) 721-8014
BUFFALO	14202	65 Court Street	(716) 847-7141
GARDEN CITY	11530	400 Oak Street	(516) 794-8195
NEW YORK	10013	75 Varick Street, 7 <sup>th</sup> Floor	(212) 775-3880
ROCHESTER (Subdistrict)	14607	109 S. Union Street	(585) 258-4550
SYRACUSE	13202	333 East Washington Street	(315) 428-4057
WHITE PLAINS	10605	120 Bloomingdale Road	(914) 997-9521

DOL WEBSITE HOMEPAGE  
<http://www.labor.state.ny.us>

NEW YORK CORRECTION LAW  
ARTICLE 23-A

LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY  
CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

Section 750. Definitions.

751. Applicability.

752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.

753. Factors to be considered concerning a previous criminal conviction; presumption.

754. Written statement upon denial of license or employment.

755. Enforcement.

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§750. Definitions. For the purposes of this article, the following terms shall have the following meanings:

(1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

(2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.

(3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.

(4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

(5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

**§751. Applicability.** The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

**§752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.** No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

(1) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or

(2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

**§753. Factors to be considered concerning a previous criminal conviction; presumption.** 1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

(a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.

(b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.

(c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.

(d) The time which has elapsed since the occurrence of the criminal offense or offenses.

(e) The age of the person at the time of occurrence of the criminal offense or offenses.

(f) The seriousness of the offense or offenses.

(g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

(h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

**§754. Written statement upon denial of license or employment.** At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

**§755. Enforcement.** 1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.

2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.



NEW YORK STATE  
DIVISION OF  
**HUMAN  
RIGHTS**

WWW.DHR.NY.GOV

ANDREW M. CUOMO, GOVERNOR  
GALEN D. KIRKLAND, COMMISSIONER

**DISCRIMINATION REALLY HURTS.  
IF YOU SEE IT OR EXPERIENCE IT, CALL US.  
WE'RE HERE.**

**(718) 741-8400 (888) 392-3644**

**TTD (718)741-8300**

THIS ESTABLISHMENT IS SUBJECT TO THE NEW YORK STATE HUMAN RIGHTS LAW (EXECUTIVE LAW, ARTICLE 15)

ESTE ESTABLECIMIENTO ESTÁ SUJETO A LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA YORK (LEY EJECUTIVA, ARTÍCULO 15)

**DISCRIMINATION BASED ON AGE, RACE, CREED, COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION, MILITARY STATUS, SEX, DISABILITY, DOMESTIC VIOLENCE VICTIM STATUS, OR MARITAL STATUS IS PROHIBITED BY THE NEW YORK STATE HUMAN RIGHTS LAW IN:**

**LA DISCRIMINACIÓN BASADA EN EDAD, RAZA, CREDO, COLOR, NACIONALIDAD, ORIENTACIÓN SEXUAL, ESTADO MILITAR, SEXO, DISCAPACIDAD, ESTADO COMO VÍCTIMA DE VIOLENCIA DOMÉSTICA, O ESTADO CIVIL ESTÁ PROHIBIDA BAJO LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA YORK EN:**

**EMPLOYMENT, BY EMPLOYERS OF FOUR OR MORE PEOPLE, EMPLOYMENT AGENCIES, LABOR ORGANIZATIONS AND APPRENTICESHIP TRAINING PROGRAMS**

Also prohibited: discrimination in employment on the basis of Sabbath observance or religious practices; prior arrest or conviction record; predisposing genetic characteristics.

Reasonable accommodations for persons with disabilities may be required. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner.

**RENTAL, LEASE OR SALE OF HOUSING, LAND AND COMMERCIAL SPACE**

Exceptions:

- (1) rental of an apartment in an owner-occupied two-family house
- (2) restrictions of all rooms in a housing accommodation to individuals of the same sex
- (3) rental of a room by the occupant of a house or apartment
- (4) sale, rental, or lease of accommodations of housing exclusively to persons 55 years of age or older, and the spouse of such persons

Also prohibited: discrimination in housing on the basis of familial status (e.g. families with children)

Reasonable accommodations and modifications for persons with disabilities may also be required.

**ACTIVITIES OF REAL ESTATE BROKERS AND SALES PEOPLE**

Also prohibited: commercial boycotts and blockbusting.

**PLACES OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT SUCH AS RESTAURANTS, HOTELS, HOSPITALS, CLUBS AND MEDICAL OFFICES**

Exception:

Age is not a covered classification relative to public accommodations. Reasonable accommodations for persons with disabilities may also be required. (Effective January 1st, 2008.)

**ADVERTISING AND APPLICATIONS RELATING TO EMPLOYMENT, REAL ESTATE, PLACES OF PUBLIC ACCOMMODATION AND CREDIT TRANSACTIONS**

**EDUCATIONAL INSTITUTIONS: NON-SECTARIAN, TAX EXEMPT, PUBLIC AND PRIVATE**

**ALL CREDIT TRANSACTIONS INCLUDING FINANCING FOR PURCHASE, MAINTENANCE AND REPAIR OF HOUSING**

If you wish to file a formal complaint with the Division of Human Rights, you must do so within one year after the discrimination occurred. The Division's services are provided free of charge.

If you wish to file a complaint in State Court, you may do so within three years of the discrimination. You may not file both with the Division and the State Court.

**Retaliation for filing a complaint or opposing discriminatory practices is prohibited. You may file a complaint with the Division if you have been retaliated against.**

FOR FURTHER INFORMATION, WRITE OR CALL THE DIVISION'S NEAREST OFFICE.  
HEADQUARTERS: ONE FORDHAM PLAZA, 4TH FLOOR, BRONX, NY 10458

**EL EMPLEO, POR PARTE DE EMPLEADORES CON UN PERSONAL DE CUATRO PERSONAS O MÁS, EN SINDICATOS Y PROGRAMAS DE ADIESTRAMIENTO Y CAPACITACIÓN**

También se prohíbe: La discriminación en el empleo basado en la observación del Sabat y otras prácticas religiosas, por previos arrestos o antecedentes criminales, por predisposición genética.

En casos de personas con discapacidades físicas se puede exigir que se le proporcionen ajustes necesarios y razonables. Un ajuste razonable es una modificación en el lugar o ambiente de trabajo que permita que una persona con discapacidades pueda desempeñar sus funciones de forma razonable.

**ALQUILER, CONTRATO DE ALQUILER, VENTA DE VIVIENDAS, TIERRAS O ESPACIOS COMERCIALES**

Excepciones:

- (1) el alquiler de un apartamento en una casa para dos familias en la que reside el propietario
- (2) la restricción de todas las habitaciones de una propiedad residencial para alojamiento de individuos del mismo sexo
- (3) el alquiler de una habitación por el ocupante de una casa o apartamento
- (4) la venta, alquiler, contrato de alquiler en viviendas para alojamiento exclusivo de personas de 55 años o más y sus respectivos esposos o esposas

También está prohibido: la discriminación en viviendas basada en la situación familiar (ejemplo: familias con niños)

También se puede exigir que se hagan ajustes razonables y modificaciones para las personas con discapacidades.

**ACTIVIDADES DE AGENTES Y VENDEDORES DE BIENES RAÍCES**

Está prohibido: los boicots comerciales y la práctica de vender o alquilar viviendas a grupos étnicos minoritarios en barrios habitados predominantemente por blancos, con el propósito de depreciar las propiedades y hacer especulaciones. A ésta práctica se le conoce en inglés como blockbusting.

**SITIOS PÚBLICOS, LUGARES PARA VACACIONAR O DE ENTRETENIMIENTO COMO RESTAURANTES, HOTELES, HOSPITALES, CLUBES Y CONSULTORIOS MÉDICOS**

Excepción:

La edad no es una de las categorías protegidas con respecto a los sitios públicos. Ajustes razonables para las personas con discapacidades también pueden ser requeridos. (Efectivo el 1ero de enero del 2008.)

**PUBLICIDAD Y SOLICITUDES RELACIONADAS A EMPLEOS, BIENES RAÍCES, SITIOS PÚBLICOS Y OPERACIONES DE CRÉDITO**

**INSTITUCIONES EDUCATIVAS: QUE NO SEAN RELIGIOSAS, LIBRES DE IMPUESTOS, PÚBLICAS Y PRIVADAS**

**TODAS LAS OPERACIONES DE CRÉDITO INCLUYENDO FINANCIAMIENTO DE COMPRA, MANTENIMIENTO O REPARACIONES DE VIVIENDAS**

Si desea presentar una querrela con la División de Derechos Humanos, debe hacerlo dentro de un plazo de un año después que el acto discriminatorio haya ocurrido. Los servicios que ofrece la División son gratuitos.

Si desea presentar una querrela ante la Corte Estatal tiene un plazo de hasta tres años después del incidente discriminatorio para hacerlo. No puede presentar su queja en ambos lugares, la División y la Corte Estatal.

**Está prohibido tomar represalias contra una persona porque haya presentado una querrela o por oponerse a conductas discriminatorias. Usted puede presentar una querrela ante la División si han tomado represalias en su contra.**

PARA MÁS INFORMACIÓN, ESCRIBA O LLAME A SU OFICINA DE LA DIVISIÓN MÁS CERCANA.  
SEDE: ONE FORDHAM PLAZA, 4TH FLOOR, BRONX, NY 10458

**LA DISCRIMINACIÓN REALMENTE HACE DAÑO.  
SI ES TESTIGO O VÍCTIMA DE ELLA, LLÁMENOS.  
ESTAMOS AQUÍ PARA SERVIRLES.**

**(718) 741-8400 (888) 392-3644**

**TTD (718)741-8300**



ESTADO DE NUEVA YORK  
DIVISIÓN DE  
**DERECHOS  
HUMANOS**  
WWW.DHR.NY.GOV

GOBERNADOR ANDREW M. CUOMO  
COMISIONADO GALEN D. KIRKLAND

# EMPLOYEE RIGHTS

## EMPLOYEE POLYGRAPH PROTECTION ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

**The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.**

### PROHIBITIONS

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

### EXEMPTIONS

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

### EXAMINEE RIGHTS

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

### ENFORCEMENT

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties up to \$10,000 against violators. Employees or job applicants may also bring their own court actions.

**THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.**



For additional information:

**1-866-4-USWAGE**

(1-866-487-9243)

TTY: 1-877-889-5627



**WWW.WAGEHOUR.DOL.GOV**

Scan your QR phone reader to learn more about the Employee Polygraph Protection Act.

U.S. Department of Labor | Wage and Hour Division

WHD 1462  
Rev. Jan 2012



# New Health Insurance Marketplace Coverage Options and Your Health Coverage

Form Approved  
OMB No. 1210-0149  
(expires 1-31-2017)

## PART A: General Information

When key parts of the health care law take effect in 2014, there will be a new way to buy health insurance: the Health Insurance Marketplace. To assist you as you evaluate options for you and your family, this notice provides some basic information about the new Marketplace.

### What is the Health Insurance Marketplace?

The Marketplace is designed to help you find health insurance that meets your needs and fits your budget. The Marketplace offers "one-stop shopping" to find and compare private health insurance options. You may also be eligible for a new kind of tax credit that lowers your monthly premium right away. Open enrollment for health insurance coverage through the Marketplace begins in October 2013 for coverage starting as early as January 1, 2014.

### Can I Save Money on my Health Insurance Premiums in the Marketplace?

You may qualify to save money and lower your monthly premium, but only if your employer does not offer coverage, or offers coverage that doesn't meet certain standards. The savings on your premium that you're eligible for depends on your household income.

### Does Employer Health Coverage Affect Eligibility for Premium Savings through the Marketplace?

Yes. If you have an offer of health coverage from your employer that meets certain standards, you will not be eligible for a tax credit through the Marketplace and may wish to enroll in your employer's health plan. However, you may be eligible for a tax credit that lowers your monthly premium, or a reduction in certain cost-sharing if your employer does not offer coverage to you at all or does not offer coverage that meets certain standards. If the cost of a plan from your employer that would cover you (and not any other members of your family) is more than 9.5% of your household income for the year, or if the coverage your employer provides does not meet the "minimum value" standard set by the Affordable Care Act, you may be eligible for a tax credit.<sup>1</sup>

**Note:** If you purchase a health plan through the Marketplace instead of accepting health coverage offered by your employer, then you may lose the employer contribution (if any) to the employer-offered coverage. Also, this employer contribution—as well as your employee contribution to employer-offered coverage—is often excluded from income for Federal and State income tax purposes. Your payments for coverage through the Marketplace are made on an after-tax basis.

### How Can I Get More Information?

The Marketplace can help you evaluate your coverage options, including your eligibility for coverage through the Marketplace and its cost. Please visit [HealthCare.gov](http://HealthCare.gov) for more information, including an online application for health insurance coverage and contact information for a Health Insurance Marketplace in your area.

<sup>1</sup> An employer-sponsored health plan meets the "minimum value standard" if the plan's share of the total allowed benefit costs covered by the plan is no less than 60 percent of such costs.

## PART B: Information About Health Coverage Offered by Your Employer

This section contains information about any health coverage offered by your employer. If you decide to complete an application for coverage in the Marketplace, you will be asked to provide this information. This information is numbered to correspond to the Marketplace application.

3. Employer name		4. Employer Identification Number (EIN)	
5. Employer address		6. Employer phone number	
7. City	8. State	9. ZIP code	
10. Who can we contact at this job?			
11. Phone number (if different from above)		12. Email address	

You are not eligible for health insurance coverage through this employer. You and your family may be able to obtain health coverage through the Marketplace, with a new kind of tax credit that lowers your monthly premiums and with assistance for out-of-pocket costs.

# Job Safety and Health

## It's the law!



Occupational Safety  
and Health Administration  
U.S. Department of Labor

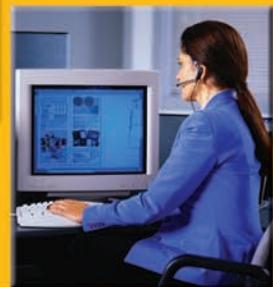
### EMPLOYEES:

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the *OSH Act*.
- You have the right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violations.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all occupational safety and health standards issued under the *OSH Act* that apply to your own actions and conduct on the job.

### EMPLOYERS:

- You must furnish your employees a place of employment free from recognized hazards.
- You must comply with the occupational safety and health standards issued under the *OSH Act*.

This free poster available from OSHA –  
*The Best Resource for Safety and Health*



Free assistance in identifying and correcting hazards or complying with standards is available to employers, without citation or penalty, through OSHA-supported consultation programs in each state.

1-800-321-OSHA (6742)

[www.osha.gov](http://www.osha.gov)

OSHA 3165-02 2012R



# Important Message from the IRS



**If you qualify, you could get money back from the IRS. You have to file a federal tax return to get EITC even if you owe no tax or are not required to file.**

If you earn less than \$51,567 and you have a:

- Son, daughter, stepchild, foster child, brother, sister, half brother, half sister, grandchild, niece, nephew, or adopted child living with you

**– OR –**

If you earn less than \$19,680 and you:

- Have no children living with you or have no child living with you who meets EITC rules,
- Are at least age 25 and under 65

You may be eligible for the EITC, Earned Income Tax Credit.

EITC provides a boost to help pay your bills, fix up your place, or save for a rainy day.

**Just imagine what you could do with EITC.**



See if you qualify.  
[www.irs.gov/eitc](http://www.irs.gov/eitc)

Life's a little easier with





# ATTENTION EMPLOYEES (ATENCIÓN EMPLEADOS) MINIMUM WAGE INFORMATION

(INFORMACIÓN SOBRE EL SALARIO MÍNIMO)

**Effective 12/31/15**

Basic Hourly Rate

**\$9.00** per hour

**A partir del 12/31/15**

Salario Mínimo

**\$9.00** por hora

**Overtime Rate**

For most occupations, employees must be paid overtime after 40 hours of work in a week at 1 ½ times their hourly rate of pay. For residential employees, the overtime rate applies after 44 hours.

**Tips**

A specified allowance may be credited toward the minimum wage for tips earned.

**Meals and Lodging**

A specific credit may be granted toward the minimum wage for meals and/or lodging provided by the employer.

**Federal Law**

Employees covered under the federal Fair Labor Standards Act must be paid in accordance with State law and also in accordance with higher federal requirements, where applicable.

**Other Wage Requirements**

A specific amount must be paid, in addition to the minimum wage, for the maintenance of required uniforms.

There are provisions for other supplemental wages in New York State Industry wage orders. These may include a part-time rate, daily call-in pay and a rate for split shift or spread of hours. Whether a particular supplemental wage applies depends on the provisions of the industry wage order covering the employment.

**For additional information or to file a complaint**

Write or call the Department of Labor, Division of Labor Standards at one of the offices listed below:

**Pago por horas extras**

En la mayoría de los trabajos, los empleados deben recibir una paga de tiempo y medio de la tarifa regular por hora cuando las horas trabajadas exceden las 40 horas semanales. Los empleados que residen en el sitio de trabajo, deben recibir una paga de tiempo y medio de su tarifa regular por hora en exceso de 44 horas semanales.

**Propinas**

Se puede acreditar al salario mínimo una cantidad específica por las propinas ganadas.

**Comidas y Alojamiento**

Se puede acreditar una cantidad específica al salario mínimo por comidas y/o alojamiento provistos por el patrono.

**Ley Federal**

Los empleados protegidos por la Ley Federal de Normas Equitativas del Trabajo (Federal Fair Labor Standards Act) deben ganar salarios según lo estipulan las leyes estatales y de acuerdo con los requisitos superiores federales, según apliquen.

**Otros requisitos salariales**

Se debe pagar una cantidad específica, además del salario mínimo, por el mantenimiento de uniformes obligatorios.

Existen otras disposiciones sobre pagos suplementarios en las ordenanzas industriales del Estado de Nueva York. Dichas disposiciones contienen una tarifa por trabajo a medio tiempo, trabajo diario casual, turnos divididos o por horas repartidas. Si un pago suplementario es pertinente o no, depende de las disposiciones vigentes en el tipo de industria que cubre el trabajo desempeñado.

**Si necesita más información o para presentar una querrela por favor escriba o llame al**

Departamento del Trabajo División de Normas Laborales a cualquiera de las siguientes oficinas:

State Office Building Campus  
Albany, NY 12240  
(518) 457-2730

400 Oak Street  
Garden City, NY 11530  
(516) 794-8195

333 E. Washington Street  
Syracuse, NY 13202  
(315) 428-4057

44 Hawley Street  
Binghamton, NY 13901  
(607) 721-8014

75 Varick Street, 7th Floor  
New York, NY 10013  
(212) 775-3880

120 Bloomingdale Road  
White Plains, NY 10605  
(914) 997-9521

65 Court Street  
Buffalo, NY 14202  
(716) 847-7141

276 Waring Road Room 104  
Rochester, NY 14609  
(585) 258-4550  
(Subdistrict)

For additional information:  
[www.labor.ny.gov](http://www.labor.ny.gov)



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75 Varick Street, 7th Floor  
New York, NY 10013  
(212) 775-3880

120 Bloomingdale Road  
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For most occupations, employees must be paid overtime after 40 hours of work in a week at 1 ½ times their hourly rate of pay. For residential employees, the overtime rate applies after 44 hours.

**Tips**

A specified allowance may be credited toward the minimum wage for tips earned.

**Meals and Lodging**

A specific credit may be granted toward the minimum wage for meals and/or lodging provided by the employer.

**Federal Law**

Employees covered under the federal Fair Labor Standards Act must be paid in accordance with State law and also in accordance with higher federal requirements, where applicable.

**Other Wage Requirements**

A specific amount must be paid, in addition to the minimum wage, for the maintenance of required uniforms.

There are provisions for other supplemental wages in New York State Industry wage orders. These may include a part-time rate, daily call-in pay and a rate for split shift or spread of hours. Whether a particular supplemental wage applies depends on the provisions of the industry wage order covering the employment.

**For additional information or to file a complaint**

Write or call the Department of Labor, Division of Labor Standards at one of the offices listed below:

**Pago por horas extras**

En la mayoría de los trabajos, los empleados deben recibir una paga de tiempo y medio de la tarifa regular por hora cuando las horas trabajadas exceden las 40 horas semanales. Los empleados que residen en el sitio de trabajo, deben recibir una paga de tiempo y medio de su tarifa regular por hora en exceso de 44 horas semanales.

**Propinas**

Se puede acreditar al salario mínimo una cantidad específica por las propinas ganadas.

**Comidas y Alojamiento**

Se puede acreditar una cantidad específica al salario mínimo por comidas y/o alojamiento provistos por el patrono.

**Ley Federal**

Los empleados protegidos por la Ley Federal de Normas Equitativas del Trabajo (Federal Fair Labor Standards Act) deben ganar salarios según lo estipulan las leyes estatales y de acuerdo con los requisitos superiores federales, según apliquen.

**Otros requisitos salariales**

Se debe pagar una cantidad específica, además del salario mínimo, por el mantenimiento de uniformes obligatorios.

Existen otras disposiciones sobre pagos suplementarios en las ordenanzas industriales del Estado de Nueva York. Dichas disposiciones contienen una tarifa por trabajo a medio tiempo, trabajo diario casual, turnos divididos o por horas repartidas. Si un pago suplementario es pertinente o no, depende de las disposiciones vigentes en el tipo de industria que cubre el trabajo desempeñado.

**Si necesita más información o para presentar una querrela por favor escriba o llame al**

Departamento del Trabajo División de Normas Laborales a cualquiera de las siguientes oficinas:

State Office Building Campus  
Albany, NY 12240  
(518) 457-2730

400 Oak Street  
Garden City, NY 11530  
(516) 794-8195

333 E. Washington Street  
Syracuse, NY 13202  
(315) 428-4057

44 Hawley Street  
Binghamton, NY 13901  
(607) 721-8014

75 Varick Street, 7th Floor  
New York, NY 10013  
(212) 775-3880

120 Bloomingdale Road  
White Plains, NY 10605  
(914) 997-9521

65 Court Street  
Buffalo, NY 14202  
(716) 847-7141

276 Waring Road Room 104  
Rochester, NY 14609  
(585) 258-4550  
(Subdistrict)

For additional information:  
[www.labor.ny.gov](http://www.labor.ny.gov)



## WHAT TO DO IF YOU OBSERVE CONCERNING BEHAVIOR

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You are required to contact the Office of Title IX Coordination for any instance of misconduct or discriminatory behavior, sexual or other. Privacy is maintained regardless of the situation reported. Bard College is committed to stopping gender-based discrimination and misconduct. If you, or anyone you know, has been subjected to misconduct or discriminatory behavior, please contact the Office of Title IX Coordination, 845-758-7542, [titleix@bard.edu](mailto:titleix@bard.edu).



**Bard College**

Gahagen House  
30 Campus Rd.  
Annandale on Hudson, NY 12504

Phone: 845-758-7542  
E-mail: [titleix@bard.edu](mailto:titleix@bard.edu)  
[www.bard.edu/titleix](http://www.bard.edu/titleix)

**Bard College**

## MINORS ON CAMPUS

In accordance with Title IX policies & federal law, any staff member with awareness of misconduct, or discrimination, sexual or other, involving Bard programming with minors, is required to report such knowledge. Any complaint related to such incidents should be referred to the Office of Title IX Coordination, 845-758-7542, [titleix@bard.edu](mailto:titleix@bard.edu). The Office of Title IX Coordination will work in a discrete manner to protect the privacy of all involved parties while conducting an inquiry into the alleged incident.

### CREATING A SAFE ENVIRONMENT:

- Bard employees and community members have a duty to report any circumstance of misconduct or discrimination of any nature, sexual or other.
- Retaliation against someone for reporting an allegation of misconduct or discrimination, sexual or other is prohibited. Retaliation is at least as serious, if not more serious, than the underlying conduct because it makes it *unsafe* to report.
- Avoid being alone in an academic room with a camper/visiting student.
- Avoid spending time in a residence hall room with any campers/visiting students unless it is part of an approved inspection of the room with at least one other staff member.

### BE AWARE OF BEHAVIOR THAT *IS* or *COULD BE* SEXUAL MISCONDUCT:

- Discussing sexual and romantic issues in front of or with campers/visiting students.
- Discussing sexual/romantic experiences (past, present or future).
- Playing games involving questions about sexual experiences.
- Inappropriate touching of campers/visiting students.
- Sexual activity with campers/visiting students.
- Showing nude or sexualized pictures/videos unless it is directly relevant to your instruction AND EVEN THEN please avoid it and do it ONLY when there are several students and at least one other staff member there.
- Offering favors to campers/visiting students for any kind of romantic/sexual behavior.
- Punishing campers/visiting students for not engaging in romantic/sexual behaviors.
- Engaging in electronic communication or social media with campers/visiting students.
- Leering and/or flirtatious behavior towards campers/visiting students.

## FILING A REPORT

Title IX, a federal law that prohibits discrimination in education on the basis of sex, ensures you have the right and can expect to have incidents of gender-based misconduct to be taken seriously. When formally reported, incidents will be investigated and properly resolved through administrative procedures. Formal reporting means that only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, and the accused individual. Formal reports can be made to the offices listed below:

Title IX Office: 845-758-7542  
Human Resources: 845-758-7428

## GRIEVANCE PROCEDURE:

Please visit, <http://www.bard.edu/titleix/reporting/grievance/>, for detailed information on Bard College's process when investigating and resolving institutional complaints of gender-based misconduct.

## CRIMINAL REPORTING:

You have the right to begin a criminal investigation. In the incident of sexual assault, it is important to seek free medical care through a Sexual Assault Forensic Examination (SAFE). This exam should be completed within 96 hours of an assault and can be accessed, along with the support of a crime victims advocate, by contacting, **845-452-7272**. Preserving evidence of an assault through a SAFE examination is critical to supporting a criminal prosecution. The completion of this exam does not require you to file charges with law enforcement and the evidence collected will be kept for a minimum of 30 days. Charges with law enforcement can be filed by contacting the NY State Police Department, **845-876-4194**.

## CONFIDENTIAL RESOURCES:

Individuals can seek support from certain resources who are not required to tell anyone else private, personally identifiable information unless there is cause for fear of victim safety, or the safety of others. There are individuals who the college has not specifically designated as "responsible employees" for purposes of putting the institution on notice and for whom mandatory reporting is not required, other than in the above stated limited circumstances. These resources include those without supervisory responsibility or remedial authority to address gender-based misconduct (i.e. BRAVE Counselors, Counseling or Health Services).

If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them.

NCHERM

### BARD CAMPUS:

BRAVE (Ask for BRAVE): 845-758-7777  
Counseling Services: 845-758-7433  
Health Services: 845-758-7433  
Chaplaincy: 845-758-7335  
EAP: 800-272-7255  
(Employee Assistance Program)

### OFF CAMPUS HOTLINES:

Rape Crisis Center: 845-452-7272  
Domestic Violence: 845-485-5550  
Grace Smith House: 845-471-3033  
LGBTQ Anti-Violence: 212-714-1141  
RAINN: 800-656-4673  
(Rape, Abuse, and Incest Nat'l Network)  
Nat'l Domestic Violence: 800-799-7233



# Bard College

# Title IX & Gender- Based Misconduct

BARD COLLEGE  
30 Campus Rd.  
Gahagen House  
Annandale on Hudson, NY 12504  
Phone: 845-758-7542  
E-mail: [titleix@bard.edu](mailto:titleix@bard.edu)  
[www.bard.edu/titleix](http://www.bard.edu/titleix)

## Gender-Based Misconduct includes:

### Sexual Harassment:

Sexual harassment is defined as unwelcome, sexually based, verbal, written, visual, or physical conduct.

Sexual harassment creates a hostile environment, and may be disciplined when it is sufficiently severe, persistent or pervasive that it:

- has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the College's educational, social and/or residential program, and/or is
- based on power differentials (*quid pro quo*), the creation of a hostile environment or retaliation.

### Gender-Based Harassment:

Acts of verbal, non-verbal, physical aggression, intimidation, stalking, or hostility based on gender or gender-stereotyping constitute gender-based harassment. Gender-based harassment can occur if persons are harassed either for exhibiting what is perceived as a stereotypical characteristic for their sex, or for failing to conform to stereo-typical notions of masculinity or femininity. In order to constitute harassment, the conduct must be severe, persistent and or pervasive such that it has the effect of unreasonably interfering with an individual's academic or employment performance or creating an intimidating, hostile, or offensive academic, living, or working environment.

### Non-Consensual Sexual Contact:

Any intentional sexual touching, however slight, with any object or body part, upon any person, that is by force and/or without a person's consent. Intentional sexual contact may include contact with the breasts, buttocks, groin, or touching another with any of these body parts, or making another person touch any of these body parts; any intentional bodily contact in a sexual manner.

### Non-Consensual Sexual Intercourse:

Any form of sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part upon any person that is by force and/or without consent. Intercourse is defined as anal, oral, or vaginal penetration by an inanimate object or another's body part.

### Intimate Partner Violence (inclusive of Domestic Violence and Dating Violence):

The willful intimidation, economic control, manipulation, humiliation, isolation, coercion, threat of or actual physical harm as part of a systematic pattern of power and control perpetrated by one intimate partner against another. It includes physical violence, sexual violence, psychological violence, and emotional abuse. Intimate partner violence can be a single act or a pattern of behavior in relationships. Intimate partner relationships are defined as short or long-term relationships (current or former) between persons intended to provide some emotional, romantic, and/or physical intimacy.

### Stalking:

A course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking behaviors may include, pursuing or following, unwanted or non-consensual communication or contact (including in-person contact, telephone or voice messages, electronic messages, social media messages, text messages) unwanted gifts, trespassing, surveillance, and other types of observation.

### Sexual Exploitation:

Sexual Exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited.

Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy
- Causing the prostitution of another person
- Non-consensual video or audio taping of sexual activity
- Non-consensual posting, sharing, or publicizing or compromising images
- Going beyond the boundaries of consent (Such as letting a friend/friends hide in the closet to watch consensual sexual activity)
- Exposing one's genitals or inducing another to expose their genitals in non-consensual circumstances
- Sexual based hazing and/or bullying



Bill de Blasio  
Mayor

Consumer  
Affairs

Lorelei Salas  
Commissioner

## NOTICE OF EMPLOYEE RIGHTS

Under New York City's Earned Safe and Sick Time Act (Paid Safe and Sick Leave Law), certain employees have a right to safe and sick leave. Go to [nyc.gov/PaidSickLeave](http://nyc.gov/PaidSickLeave) to learn which employees are covered by the law.

Employees who work for employers with five or more employees who work more than 80 hours a calendar year in New York City have a right to *paid* safe and sick leave. Employees who work for employers with fewer than five employees have a right to *unpaid* safe and sick leave.

**Employees who work for employers who must provide safe and sick leave must receive this written notice from their employer when they begin employment or by June 4, 2018, whichever is later.**

**YOU HAVE A RIGHT TO SAFE LEAVE, which you can use to seek assistance or take other safety measures if you or a family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking.**

**YOU HAVE A RIGHT TO SICK LEAVE, which you can use for the care and treatment of yourself or a family member.**

### AMOUNT OF SAFE AND SICK LEAVE:

- Your employer must provide up to a total of 40 hours of safe and sick leave every calendar year. You may use any earned leave for either safe or sick leave purposes. Your employer's calendar year is:

Start of Calendar Year: June 1 End of Calendar Year: May 30

### RATE OF ACCRUAL:

- You accrue safe and sick leave at the rate of one hour for every 30 hours worked, up to a maximum of 40 hours of safe and sick leave per calendar year.

### DATE ACCRUAL BEGINS:

You begin to accrue safe and sick leave on April 1, 2014 or on your first day of employment, whichever is later.

*Exception:* If you are covered by a collective bargaining agreement that was in effect on April 1, 2014, you begin to accrue safe and sick leave under City law beginning on the date that the agreement expires.

### DATE SAFE AND SICK LEAVE IS AVAILABLE FOR USE:

- You could begin using sick leave on July 30, 2014 or 120 days after you begin employment, whichever is later.
- You could begin using safe leave on May 5, 2018 or 120 days after you begin employment, whichever is later.

### ACCEPTABLE REASONS TO USE SAFE AND SICK LEAVE:

You can use safe and sick leave to take time off from work when:

- You have a mental or physical illness, injury, or health condition; you need to get a medical diagnosis, care, or treatment of your mental or physical illness, injury, or condition; you need to get preventive medical care.
- You must care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventive medical care.
- Your employer's business closes due to a public health emergency or you need to care for a child whose school or child care provider closed due to a public health emergency.
- You or a family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking and you need to take actions necessary to restore the physical, psychological, or economic health or safety of you or your family members or to protect those who associate or work with you, including to:
  - Obtain services from a domestic violence shelter, rape crisis center, or other services program.
  - Participate in safety planning, relocate, or take other actions to protect your safety or that of your family members, including enrolling children in a new school.
  - Meet with an attorney or social service provider to obtain information and advice related to custody; visitation; matrimonial issues; orders of protection; immigration; housing; discrimination in employment, housing, or consumer credit.
  - File a domestic incident report with law enforcement or meet with a district attorney's office.

[More >](#)

## FAMILY MEMBERS:

The law recognizes the following individuals as “family members:”

- Any individual whose close association with the employee is the equivalent of family
- Child (biological, adopted, or foster child; legal ward; child of an employee standing *in loco parentis*)
- Grandchild
- Spouse
- Domestic Partner
- Parent
- Grandparent
- Child or Parent of an employee’s spouse or domestic partner
- Sibling (including a half, adopted, or step sibling)
- Any other individual related by blood to the employee

## ADVANCE NOTICE:

If the need is foreseeable, your employer can require up to seven days advance notice of your intention to use safe or sick leave. If the need is unforeseeable, your employer may require you to give notice as soon as practicable.

## DOCUMENTATION:

Your employer can require documentation if you use more than three consecutive workdays as safe or sick leave. The Paid Safe and Sick Leave Law prohibits employers from requiring the health care provider to specify the medical reason for sick leave or requiring safe leave documentation to specify the details of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking. Disclosure may be required by other laws.

## UNUSED SAFE AND SICK LEAVE:

Up to 40 hours of unused safe and sick leave can be carried over to the next calendar year. However, your employer is only required to let you use up to 40 hours of safe and sick leave per calendar year.

## YOU HAVE A RIGHT TO BE FREE FROM RETALIATION FROM YOUR EMPLOYER FOR USING SAFE AND SICK LEAVE.

Your employer cannot retaliate against you for:

- Requesting and using safe and sick leave.
- Filing a complaint for alleged violations of the law with DCA.
- Communicating with any person, including coworkers, about any violation of the law.
- Participating in a court proceeding regarding an alleged violation of the law.
- Informing another person of that person’s potential rights.

Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in your hours, or any other adverse employment action against you for exercising or attempting to exercise any right guaranteed under the law.

## YOU HAVE A RIGHT TO FILE A COMPLAINT.

You can file a complaint with DCA. To get the complaint form, go online to [nyc.gov/PaidSickLeave](https://nyc.gov/PaidSickLeave) or contact 311 (212-NEW-YORK outside NYC).

DCA will conduct an investigation and try to resolve your complaint. DCA will keep your identity confidential unless disclosure is necessary to conduct the investigation, resolve the complaint, or is required by law.

**Keep a copy of this notice and all documents that show your amount of safe and sick leave accrual and use.**

**Note: The Earned Safe and Sick Time Act sets the minimum requirements for safe and sick leave. Your employer’s leave policies may already meet or exceed the requirements of the law.**

You have a right to be given this notice in English and, if available on the DCA website, your primary language.

For more information, including Frequently Asked Questions, go to [nyc.gov/PaidSickLeave](https://nyc.gov/PaidSickLeave) or call **311** and ask for information about Paid Safe and Sick Leave.

# **BEAM/AoPSI Travel and Entertainment Policy**

## **Overview**

We have created this policy governing spending and reimbursement related to Travel and Entertainment expenses (“T&E expenses”) at BEAM. This guide is intended to aid BEAM employees and management by setting forth guidelines and reporting requirements related to BEAM’s expectations along with IRS regulations.

All employees bear responsibility for cost-effective business travel. While these guidelines are intended to be comprehensive, it is impossible to anticipate every situation encountered by a traveler. The employee is expected to apply these guidelines on a conservative basis, consistent with normal living standards and, where the policy is silent, to exercise good business judgment.

It is the policy of BEAM to reimburse staff and/or pay for charges made on their company issued credit cards for reasonable and necessary expenses incurred in connection with approved travel on behalf of the company.

Travelers seeking reimbursement/company credit card payment should incur the lowest reasonable travel expenses and exercise care to avoid impropriety or the appearance of impropriety. Reimbursement is allowed only when reimbursement has not been, and will not be, received from other sources. If a circumstance arises that is not specifically covered in this travel policy, then the most conservative course of action should be taken.

## **Employee and Approving Manager Responsibility**

Staff travel must be authorized in advance. Employees should verify that planned travel is eligible for reimbursement before making travel arrangements by submitting/discussing a travel plan to/with their supervisor for approval.

The traveler must submit an expense report along with all supporting documentation in order to obtain reimbursement of expenses and/or to record and account for charges incurred on their company credit card. These expense reports must be submitted within 30 days for reimbursements, and by the next reconciliation deadline for charges on the company card.

An individual may not approve his or her own travel or reimbursement. The report should be approved by either the Executive Director or the Director of Finance and Administration.

T&E expenses follow the guidelines outlined below, and employees are expected to exercise good judgment when evaluating any expense category not included in this policy. The Director of Finance and Administration or Executive Director review employees’ submitted expenses, and may decline all expenses that do not meet the requirements set forth in this policy. If a travel expense is declined that has already been charged to a BEAM credit card, BEAM may request reimbursement from the employee.

## Documentation

In order to substantiate T&E expenses, employees must upload original receipts for all expenses of \$25 or more, and are encouraged to do so for expenses under \$25. Credit card statements and manual receipts are not acceptable and could result in non-reimbursement, although exceptions may be made in cases where only manual receipts are available.

## Exceptions

Occasionally, it may be necessary and appropriate for employees to request exceptions to this policy. Requests for exceptions to the policy must be made in writing and approved by either the Executive Director or the Director of Finance and Administration prior to the expense being incurred.

## General Expense Guidelines by Category

### Airfare

1. BEAM will cover up to the lowest cost option for flights that depart after 8:00 am and arrive before 12:00 midnight. Booking a seat with extra legroom is permitted if the employee plans to work during the flight and needs the space for use of their laptop. Employees who book more expensive travel will be reimbursed only up to the cost of the lowest cost option as specified above, and must submit a PDF of a flight search showing the cost of the lowest cost option with the submission.
2. BEAM will cover the cost of one checked bag for trips of five days or longer or in other pre-approved circumstances (such as the need to bring additional supplies for a BEAM purpose). In the event that the ticket booked charges for a carry-on bag, BEAM will cover the cost of the carry-on regardless of the length of the trip. Please take into account anticipated luggage fees when calculating the total cost of airfare.
3. Employees should attempt to purchase airline tickets as far in advance as possible, and at least 21 days in advance when travel dates are known before that time.
4. Traveling employees may retain frequent flyer program benefits. However, participation in these programs should not influence flight selection if it results in additional cost to BEAM.
5. Airline club memberships and usage are not reimbursed.

### Hotels

1. Employees are expected to reserve standard rooms and to choose the most economical option, using discounted booking sites (e.g. Hotwire) when appropriate. Please confer with the Director of Finance and Administration if needed.
2. Reimbursable items include: tips to hotel staff within reason and valet/parking for car rental. Please be economical, but if hotel internet access is required for your trip that is also reimbursable.

3. BEAM will not reimburse employees for in-room movies, minibar charges or laundry/dry cleaning for trips under 5 days.

## **Car Service/Taxi/Subway**

Employees are expected to use reasonable judgment when selecting local transportation. The most cost efficient available service should be chosen. Employees are expected to take either a local taxi service, ride-hailing service (such as Uber or Lyft), or public transportation when traveling throughout a metropolitan area on business.

When traveling within their home city for work, employees may be reimbursed for the amount incurred that exceeds their cost of daily commuting.

## **Rail**

1. Economy/Coach class should be used when booking any rail transportation.
2. Rail transportation should be purchased at least 15-30 days in advance where possible in order to take advantage of any potential discounts.
3. Business Class/First Class/Acela rail travel will not be reimbursed unless it's the cheapest available option. Employees may also book this type of travel if they reimburse BEAM for the difference between the lowest cost option and the cost of Business Class/First Class/Acela.

## **Rental Cars**

In general, BEAM prefers the use of alternative transportation options to rental cars when traveling within metropolitan areas. Rental cars should be pre-authorized when no comparable alternative (in terms of price and convenience) is available.

In general, while renting, employees should request the most economically sized vehicle when renting a car for business travel as determined by the size of the travel party. Traffic fines, court costs, parking violations, etc. are not reimbursable.

## **Personal Car Usage**

An employee may use his/her personal car for business purposes when authorized to do so. BEAM will reimburse employees for business travel using his/her personal vehicle at the prevailing rate per mile. This rate is adjusted periodically and generally reflects the IRS published rate. (Please check with the Director of Finance and Administration for the current rate.) Charges for bridges, highway tolls, parking, etc. incurred when using a rental or personal car for business purposes will be reimbursed. Traffic fines, court costs, parking violations, etc. are not reimbursable.

When there is an option between taking a personal car vs. another travel alternative, BEAM will reimburse the employee up to the lesser of these costs should the employee choose to drive their personal car for the sake of convenience.

## **Additional Expense Categories for Year-Round Staff**

### **Meals (applies to year-round staff only)**

BEAM will cover meals and incidental travel expenses up to the GSA's guidelines by city of travel, as recorded here:

<https://www.gsa.gov/travel/plan-book/per-diem-rates>.

On the first and last day of travel, BEAM will cover up to 75% of the amount. If meals are provided as part of travel (for example, conference meals or BEAM fundraising events), the daily limit is adjusted to reflect that the meal was provided according to GSA estimates.

Expenses for group meals must be submitted by the most senior executive present.

For all meals, employees should submit receipts as per usual, and are encouraged to charge expenses directly to the company credit card. As usual, while we provide an upper limit on expenses, we request that you spend responsibly when BEAM is reimbursing.

### **Business Entertainment (applies to year-round staff only)**

If you are meeting with a business contact, BEAM may cover additional costs such as meals for you and the contact. For example, BEAM can cover the cost of a meal for a meeting with a potential funder or with potential staff. However, since the presumption made by the IRS is that entertainment is not related to the Company's business, it is generally necessary to demonstrate that such expenses are associated with the active conducting of BEAM business. Therefore, such entertainment must have either directly preceded or followed a bona fide business discussion. For these situations:

- Employees must include the venue, other party's name, title, purpose of meeting, and firm (if relevant) when submitting their expense report. Failure to include all required material may result in delayed reimbursement.
- When you are not sure if a meal or other expense would be covered, please ask first!

## **Summer Staff Transportation Guidelines and Costs**

BEAM will cover round trip travel for program staff to their summer site up to \$500. In general, BEAM will book travel as follows:

- Option 1 (Amtrak) - If one-way travel to the site is 6 hours or less by rail, BEAM will generally book the lowest-cost Amtrak ticket departing at 8am or later and arriving by midnight or earlier.
- Option 2 (Bus) - If Amtrak travel is not available, but one-way travel to the site is 4 hours or less, BEAM will generally book the lowest-cost bus option.

- Option 3 (Air) - If neither Option 1 or Option 2 are viable, BEAM will generally book a round trip air ticket that departs after 7am and arrives before midnight so long as the timing matches the staff member's preference (staff will have the opportunity to specify in the travel request form).

If an employee wishes to use a different mode of transportation, then BEAM will reimburse up to the equivalent cost of travel that BEAM would have booked. For example, if an employee would normally be booked by train but prefers to drive a personal vehicle, BEAM will reimburse at the prevailing rate per mile as established by the IRS up to the lesser of \$500 or the cost of the Amtrak ticket. Any exception to the above policy must be approved in advance by either the Executive Director or the Director of Finance and Administration.

## **Non-Reimbursable Travel Expenses**

The following items that may be associated with business travel will not be reimbursed by BEAM:

- Airline club memberships.
- Airline upgrades.
- Business class for domestic flights or first class for all flights.
- Child care, babysitting, house-sitting, or pet-sitting/kennel charges.
- Commuting between home and the primary work location.
- Costs incurred by traveler's failure to cancel travel or hotel reservations in a timely fashion.
- Evening or formal wear expenses.
- Haircuts and personal grooming.
- Laundry and dry cleaning.
- Passports, vaccinations and visas when not required as a specific and necessary condition of the travel assignment.
- Personal entertainment expenses, including in-flight movies, headsets, health club facilities, hotel pay-per-view movies, in-theater movies, social activities and related incidental costs.
- Travel accident insurance premiums or purchase of additional travel insurance.
- Other expenses not directly related to the business travel.