

## NOTICE OF BOARD MEETING

The regular meeting of the Board of Directors of the Delaware County Electric Cooperative, Inc. will be held **Tuesday, April 25, 2023, at 5:00 pm**  
Location is Room 121 at the Co-op's office, 5 North Depot Street, Delhi, New York 13753 to act on the following agenda.

### AGENDA

- I. Opening Business:
  - a. Call to Order
  - b. Roll Call - Determination of Quorum
  - c. Adoption of Agenda [packet page 1]
- II. Consent Agenda:
  - a. Minutes of March 28, 2023 Regular Meeting [packet pages 2-5]
  - b. New Memberships [packet page 6]
  - c. Bad Debt Collection Report & Resolution [packet pages 7-8]
  - d. Director Compensation [packet page 9]
  - e. Corporate Calendar [packet page 10]
- III. Review of Policies:
  - a. Insurance and Fidelity Coverage [packet page 11]
  - b. Safety Committee and Incident Investigation Policy [packet pages 12-14]
  - c. Sexual Harassment [packet pages 15-27]
  - d. Workplace Violence [packet pages 28-30]
- IV. Announcement of Upcoming Policies to be Reviewed:
  - a. TBD
- V. Appoint Nominating Committee
- VI. CEO/General Manager John Gasstrom's Report: [packet page 31]
  - a. Historic Fixed Price Transmission Congestion Contracts (HFTCCs) through NYISO
- VII. CFO Cannizzaro's Monthly Report: [packet page 32]
  - a. March Financials [handout]
- VIII. Operations Manager Sullivan's Monthly Report: [packet page 33]
  - a. Quarterly Fleet Update [presentation]
- IX. Manager of System Planning, Job Training & Safety Small's Monthly Report: [handout]
- X. CSA Linehan's Monthly Report: [handout]
- XI. Director/Staff Association Reports:
  - a. Rural Resources Fair, March 29, 2023 – Albany, NY
  - b. NYAPP Conference, April 11-13, 2023 – Saratoga Springs, NY
  - c. Legislative Conference, April 15-19, 2023 – Washington DC
  - d. NYAPP Monthly Meeting, April 21, 2023 – Zoom
- XII. New Business:
- XIII. Future Business:
  - a. NYSRECA Meeting & Advocacy Day, May 7-9, 2023 – Albany, NY
  - b. DCEC Regular Board Meeting, **Tuesday, 05/23/2023 @ 5pm**
    - i. Line crew report to Board
  - c. CFC Forum, June 19-21, 2023 – Seattle, WA
  - d. NYSRECA Annual Meeting, July 27, 2023 – location TBD
  - e. NRECA Regional Meetings 1&4, September 6-8, 2023 – Richmond, VA
  - f. DCEC's 79<sup>th</sup> Annual Meeting, September 15, 2023 – Delaware Academy, Delhi, NY
  - g. NEAEC Annual Meeting, October 9-13, 2023 – Newport, RI
    - i. Board checks in on October 9, 2023
    - ii. Risk Oversight, The Board's Role in Risk Management 921.1 NRECA training, October 10, 2023
- XIV. Executive Session:
- XV. Adjournment:

The aim of Delaware County Electric Cooperative, Inc., is to make electric energy and related services available to members at the lowest cost consistent with sound economy and good management.

### Cooperative Stakeholders

- Members
- Employees
- Community
- Business Partners
  - Suppliers
  - RUS
  - CFC
  - Federated
  - Other cooperatives
  - NYSERDA
- Government
- Regulators

Delaware County Electric Cooperative  
Board Meeting Minutes  
March 28, 2023

I. Opening Business: The regular monthly meeting of the Board of Directors of the Delaware County Electric Cooperative, Inc. was held March 28, 2023 at the Co-op's office, 5 North Depot Street, Delhi, New York.

A. Call to Order: The meeting was called to order at 5:12 p.m. by President Pick.

B. Roll Call - Determination of Quorum:

Stephen Oles	P
Edward Pick Jr.	P
Paul Menke	A
Laurie Wehmeyer	P
Steve Burnett	P
Jeffrey Russell	P
Edward Furgol	P

DCEC staff members that participated in-person were, CEO/General Manager John Gasstrom, Operations Manager Ryan Sullivan, CFO Mark Cannizzaro, and Manager of System Planning JT & S James Small. DCEC's Legal Counsel Jeffrey Clark from Livingston Associates participated via phone conference.

D. Adoption of Agenda: A motion was made by Director Furgol to adopt the agenda. The motion was seconded by Director Burnett. The motion passed.

II. Consent Agenda: A motion was made to approve the consent agenda as presented by Vice President Russell. The motion was seconded by Secretary Wehmeyer. The motion passed.

III. Policies:

- a. Procurement, Receiving and Distribution
  - i. A motion was made to approve the policy by Secretary Wehmeyer. The motion was seconded by Director Furgol. The motion passed.
- b. Estate Capitol Credits
  - i. A motion was made to approve the policy by Director Oles. The motion was seconded by Vice President Russell. The motion passed.

c. Diversity, Equity, Inclusion, and Social Responsibilities

- i. A motion was made to approve the policy by Director Burnett. The motion was seconded by Secretary Wehmeyer. The motion passed.

IV. Announcement of Upcoming Policies to be Reviewed:

Policies were reviewed by President Pick

V. Grant Discussion:

CEO Gasstrom led a presentation about existing grant in application process and confirmed boards appetite for grant application activity.

VI. Executive Session:

A motion was made at 7:00 pm to enter Executive Session by Director Burnett. The motion was seconded by Director Furgol. DCEC staff CEO/General Manager John Gasstrom was invited to stay. At 7:20 pm CFO Mark Cannizzaro was invited to join. A motion was made to exit the executive session at 7:58 pm by Director Furgol. The motion was seconded by Secretary Wehmeyer.

VII. CEO/General Manager John Gasstrom's Report:

CEO Gasstrom discussed government relations and outside organizations, cooperative relations, staffing and employee relations, grants, rates, and community interaction.

VIII. CFO Cannizzaro's Monthly Report:

CFO Cannizzaro discussed financials from December's soft close, reviewed January and February's, for January discussed revenue and balance sheet lines 9 & 15, for February CFO Cannizzaro note they had not yet been reviewed by MM&S but highlighted income statement line 7 and balance sheet 7 invested funds noted timing between investments.

IX. Operations Manager Sullivan's Monthly Report:

a. Quarterly Tree Crew Update

Operations Manager Sullivan discussed notable outages and occurrences and updates on special projects. Discussed bucket truck order and process.

IX. Manager of System Planning, Job Training & Safety Small's Monthly Report:

Manager of SP, JT&S discussed report and highlights.

#### XI. CSA Linehan's Monthly Report:

In absence of CSA Linehan, CEO Gasstrom discussed report and items CSA Linehan is working on.

#### XII. Director/Staff Association Reports:

- a. NYSRECA Government Relations Committee Meeting March 3, 2023
- b. NRECA Annual Meeting, March 5-8, 2023
- c. NYAPP Monthly Meeting, March 17, 2023
- d. Strategic Planning with Board March 21, 2023
  - a. Interview Youth Delegate
  - b. Strategic Planning Meeting

CEO Gasstrom and President Pick gave report from meetings with input from other attendees.

#### XIII. New Business:

NEAEC May 18, 2023 meeting: Delegates and attendees identified, CEO Gasstrom (Primary) Director Oles (Alternate)

#### XIV. Future Business:

- a. Rural Resources Fair, March 29, 2023 – Albany, NY
- b. NYAPP Conference, April 11-13, 2023 – Saratoga Springs, NY
- c. Legislative Conference, April 16-19, 2023 – Washington DC
- d. NYAPP Monthly Meeting, April 21, 2023 – Zoom
- e. DCEC Finance Committee Meeting & Regular Board Meeting, Tuesday, 04/25/2023 @ 4pm
  - a. Fleet report to Board
- f. NYSRECA Meeting & Advocacy Day, May 7-9, 2023 – Albany, NY
- g. CFC Forum, June 19-21, 2023 – Seattle, WA
- h. NYSRECA Annual Meeting, July 27, 2023 – location TBD
- i. NRECA Regional Meetings 1&4, September 6-8, 2023 – Richmond, VA
- j. DCEC's 79th Annual Meeting, September 15, 2023 – Delaware Academy, Delhi, NY
- k. NEAEC Annual Meeting, October 9-13, 2023 – Newport, RI
  - a. Board checks in on October 9, 2023
  - b. Risk Oversight, The Board's Role in Risk Management 921.1 NRECA training, October 10, 2023

XV. Executive Session:

None

XVI. Adjournment: There being no further business on the agenda, President Pick adjourned the meeting at 9:10 pm.

Respectfully submitted,

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Secretary, Laurie Wehmeyer

5 North Depot Street, P. O. Box 471, Delhi, New York 13753-0471  
607-746-2341

[illegible]



April 25, 2023

## **BAD DEBT COLLECTION**

\* **PLEASE NOTE:** The amounts below were recovered through capital credit retirements,  
Southern Tier Credit Center & DCEC through March 31, 2023  
Total recovered: \$19.85

Original Amount Turned Over For Collections	Name	**Amount Collected CC to UA	Amount Collected from So. Tier	Amount Collected from DCEC	Commission Paid this Month *	Balance Due
\$99.12	Sarah Marzulla Barber	\$3.26				\$95.86
	Robert Gualdino			16.59		0.00

\* Commission is 30% of the total amount collected last month. 50% if legal services are required. If payment is made directly to us, the commission will be the following month.

\*\* Under \$30.00 does not get reported to Southern Tier Credit Center.

\*\*\* Billing department did a small balance write off for the balance due amount.

\*\*\*\* Capital credits are applied on a discounted basis towards outstanding debt per the Capital Credits Applied to Bad Debt Policy.

\*\*\*\*\* Paid directly to DCEC prior to turning over to Southern Tier for Collections

**RESOLUTION**

BE IT RESOLVED, THAT WE, The Board of Directors of the Delaware County Electric Cooperative, Inc., 5 N. Depot St., Delhi, NY 13753, do hereby authorize the transfer of \$2294.16 representing uncollectible accounts for utility customers per the following listing, to accumulated provision for uncollectible accounts.

<u>ACCOUNT</u>	<u>Map Location</u>	<u>CUSTOMER</u>	<u>SEASONAL</u>	<u>RESIDENTIAL</u>
15390001	MA 3-42-12C	Arkadiusz Konefal	\$54.29	
16712001	DE 4-14-11	Anita Von Himmel	\$117.25	
18846002	FR 4-2-6D	William Hill		\$455.36
18174002	FR 4-3-1A	Ronnie Dean		\$1,208.85
18795001	MA 3-14-5	Hannah Crownshaw		\$458.41

April 25, 2023

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**Laurie Wehmeyer**  
**SECRETARY**



## Director Compensation Report

<b><u>2023 Director Compensation Report</u></b>						Report Date:		<b>18-Apr-2023</b>			
	<b><u>Director</u></b>	<b><u>Officer</u></b>	<b><u>CCD</u></b>	<b><u>Per Diem</u></b>	<b><u>Pers Mileage*</u></b>			<b><u>Comp YTD**</u></b>	<b><u>Mile/Reim YTD</u></b>	<b><u>TOTAL YTD</u></b>	<b><u>Balance Due (YTD)</u></b>
1	Burnett	No	Yes	\$ 350	17	\$ 11.14		\$ 1,750.00	\$ 55.70	\$ 1,805.70	\$ 361.14
2	Furgol	No	No	\$ 300	9	\$ 5.90		\$ 2,700.00	\$ 29.50	\$ 2,729.50	\$ 305.90
3	Menke	Yes	Yes	\$ 375	15	\$ 9.83		\$ 3,000.00	\$ 692.36	\$ 3,692.36	\$ 384.83
4	Oles	No	Yes	\$ 350	14	\$ 9.17		\$ 1,750.00	\$ 45.85	\$ 1,795.85	\$ 359.17
5	Pick	Yes	Yes	\$ 375	44	\$ 28.82		\$ 5,275.00	\$ 172.92	\$ 5,447.92	\$ 403.82
6	Russell	Yes	Yes	\$ 375	44	\$ 28.82		\$ 3,375.00	\$ 115.28	\$ 3,490.28	\$ 403.82
8	Wehmeyer	Yes	Yes	\$ 375	52	\$ 34.06		\$ 3,375.00	\$ 170.30	\$ 3,545.30	\$ 409.06
	<b>TOTAL:</b>							<b>\$ 21,225.00</b>	<b>\$ 1,281.91</b>	<b>\$ 22,506.91</b>	<b>\$ 2,627.74</b>
	NOTES:	1) Board policy identifies \$300 per diem compensation + \$25 for officers + \$50 for CCD directors.									
	*	2) Mileage to/from regular meetings @ IRS per mile rates of.....									\$0.655
	**	3) Compensation YTD reflects total taxable amount earned (excludes reimburseable expenses such as mileage)									
		4) Compensation for co-op-related "Short Activities" @ \$100 per meeting (per Jan2013 Board Resolution)									

DIV	ACTIVITY	A	M	J	J	A	S	O	N	D	J	F	M	PROCESS
BOARD	Nominating (Director Search) Committee Meeting												1	MEETING
BOARD	Annual Meeting Kick-off Planning (incl consideration of Bylaw changes)												1	MEETING
BOARD	Legislative Youth Tour Interviews/Selection												1	MEETING
BOARD	Board decision/approval of proposed bylaw changes (for Annual Meeting)												1	ACTION
BOARD	NYSRECA Legislative Conference (tbd)												1	MEETING
BOARD	Finance Committee Meeting	1			1			1						MEETING
BOARD	Organization & Staffing Committee Meeting		1			1					1			MEETING
BOARD	NEAEC Annual Meeting		1											MEETING
BOARD	Board Self-Evaluation Survey (odd years only, next 2023)				1									COMPLY
BOARD	NYSRECA Annual Meeting				1									MEETING
BOARD	OEC Annual Meeting					1								MEETING
BOARD	CEO Goals & Objectives Mid-Year Review					1								REPORT
BOARD	NRECA Survey - Directors, Attorneys, Auditors						1							PROCESS
BOARD	Cooperative Officers Job Descriptions Review						1							COMPLY
BOARD	Organizational Meeting of Board (incl. Committee appointments)						1							COMPLY
BOARD	NRECA Region 1 Annual Meeting						1							MEETING
BOARD	Kick-off Budgeting Process (prelim capital budget)							1						BUDGET
BOARD	Annual Sexual Harassment Training							1						COMPLY
BOARD	Capital Credit retirement - decision by Board							1						ACTION
BOARD	Re-instatement of Accounting/Audit Firm (resolution)							1						AUDIT
BOARD	Oneida-Madison EC Annual Meeting							1						MEETING
BOARD	Steuben REC Annual Meeting							1						MEETING
BOARD	CEO Performance Review – kick off & plan Jan O&S Committee Mtg							1						PROCESS
BOARD	Approve Holiday Gift for Board/Staff/Employees									1				PROCESS
BOARD	NRECA Annual Meeting											1		MEETING
BOARD	Board appoints Nominating Committee (Directors identify members)											1		ACTION
BOARD	Consider GM contract renewal/update										1			PROCESS
MGMT	Line Extension Policy Rate Review	1												PROCESS
MGMT	DEC Pesticide Business/Agency Registration (April/May, tri-annual, next in 2022)	1												COMPLY
MGMT	Update Standard Costs	1												PROCESS
MGMT	NYS ORPS Equalization & Assessment report (4/15)	1												COMPLY
MGMT	Strategic Plan Review		1				1			1		1		COMPLY
MGMT	ROW & Line-Inspection contracting Bid		1											PROCESS
MGMT	Semi-annual review of Corporate Calendar			1						1				PROCESS
MGMT	Renew Purchase of TCCs with NYISO/NYPA			1										PROCESS
MGMT	CFC Annual Forum				1									MEETING
MGMT	ROW & Line-Inspection contracting Awards/ Contract Bid Report to Board for Budget					1								BUDGET
MGMT	Self-Eval to Board					1								REPORT
MGMT	DCEC Annual Meeting						1							MEETING
MGMT	Year-End Financial Projection (Capital Credit Retirement Assessment)							1						REPORT
MGMT	Review DPS Data for Annual Member Deposit Rate Effective 1/1							1						COMPLY
MGMT	All-Employee Meeting (last week October)							1						PROCESS
MGMT	Order Holiday Gift Cards for Board/Staff/Employees							1						PROCESS
MGMT	Year-end Financial Projection (Formulary Rate Planning)								1					BUDGET
MGMT	Operating Plan/Budget Presented								1					BUDGET
MGMT	Capital Credit Retirement (if applicable)								1					PROCESS
MGMT	Employee Performance Reviews – prep									1				STAFFING
MGMT	Operating Plan/Budget Approved									1				BUDGET
MGMT	Christmas Party									1				STAFFING
MGMT	Update PPAC “System Loss Factor” based on prior year analysis										1			PROCESS
MGMT	Exempt Employee Salary Action										1			PROCESS
MGMT	Employee Performance Reviews										1			REPORT
MGMT	NYSRECA Meeting										1			MEETING
MGMT	Year-End Accomplishments Review / Goals & Objectives Approval										1			REPORT
MGMT	Legislative Youth Delegate kick-off (interviews/selection by late March)										1			PROCESS



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## POLICY

SUBJECT: Insurance and Fidelity Coverage

POLICY: It shall be the policy of the Cooperative to maintain Insurance and Fidelity Coverage of the types and in such amounts consistent with industry standards and the requirements of its creditors. An insurance policy for Officer's and Director's liability shall be maintained.

All insured events shall be investigated and reported to the insurance carrier in accordance with the Cooperative's Safety Committee and Incident Investigation Policy. The CEO/General Manager shall inform the Board of Directors every time a loss or liability is referred to an insurance carrier.

PROCEDURE: As outlined in the policy.

RESPONSIBILITY: Board of Directors and CEO/General Manager

### DELAWARE COUNTY ELECTRIC COOPERATIVE, INC.

Approved by Board of Directors	Mar 30, 1961
Reviewed by Board of Directors	Jul 21, 1971
Revised by Board of Directors	Oct 24, 1989
Revised by Board of Directors	Aug 22, 1995
Revised by Board of Directors	Aug 23, 2011
Revised by Board of Directors	Sep 23, 2014
Reviewed by Board of Directors	Nov 22, 2016
Reviewed by Board of Directors	Mar 24, 2020
<u>Reviewed by Board of Directors</u>	<u><del>Mar 28</del> April 25, 2023</u>

## POLICY

SUBJECT: Safety Committee and Incident Investigation

POLICY: Per New York Labor Law Section 27-D, effective November 1, 2021; Employees shall be permitted to establish a joint labor-management workplace safety committee to raise health and safety concerns, and review policies implemented for workplace health and safety. An employer must allow the designees to attend training (without loss of pay) on the function of worker safety committees, the rights established under this new law, and an introduction to occupational safety and health. Furthermore, employers are prohibited from (i) interfering in the selection of employees who shall serve on such committee; (ii) interfering with such employees' performance of the duties for the workplace safety committee; and (iii) retaliating against any employees participating in the establishment or activities of a workplace safety committee. Employers who violate the anti-retaliatory provisions of this law may be subject to civil penalties Under the law, each committee and member is authorized to do the following, including but not limited to:

- (a) Raise health and safety concerns, hazards, complaints and violations to the employer to which the employer must respond.
- (b) Review any policy put in place in the workplace required by any provision of the New York labor law or workers' compensation law and provide feedback to such policy in a manner consistent with any provision of law.
- (c) Review the adoption of any policy in the workplace in response to any health or safety law, ordinance, rule, regulation, executive order, or other related directive.
- (d) Participate in any site visit by any governmental entity responsible for enforcing safety and health standards in a manner consistent with any provision of law.
- (e) Review any report filed by the employer related to the health and safety of the workplace in a manner consistent with any provision of law.
- (f) Regularly schedule a committee meeting during work hours at least once a quarter.

The Safety Committee shall investigate all incidents that adversely impact the safe operations of the Cooperative. Incident investigations shall be conducted in the spirit of the Cooperative's overall safety improvement program. Investigations are intended to lead to safety improvement and will only result in disciplinary action in the event of willful or repeated safety violations on the part of employees or managers. The purpose of an incident investigation is to determine the root causes of each incident and to provide solutions that reduce the likelihood of similar events.

### DEFINITIONS Per New York Labor Law Section 27-D

Safety Committee must be composed of employee and employer designees, with at least two-thirds of the committee being non-supervisory employees. Those employee members of the committee shall be selected by, and from among, non-supervisory employees. As a collective bargaining agreement is in effect, the collective bargaining representatives (Stewards) shall be responsible for the selection of employees to serve as members of the committee.



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The committee must be co-chaired by a manager (an employer representative) and a non-supervisory employee representative. Furthermore, multiple committees may be created in cases of district/distinct work areas

Incident shall be defined as any event that adversely impacts the safe operations of the Cooperative, its employees and members. Categories of incidents include work-related injuries, occupational illnesses, property damage (Cooperative or other), spills, fires, and near-miss events.

Incident Investigation Team shall be defined as a three-member group consisting of the ~~System Coordinator~~Safety Coordinator (as designated by the CEO/General Manager) and 2 other members of the Safety Committee. When the ~~System~~Safety Coordinator is unable to lead an Incident Investigation in a timely manner, the Safety Coordinator or the CEO/General Manager may appoint another employee or manager to lead the Incident Investigation Team. If a substitute is appointed for the ~~System~~Safety Coordinator for a particular Incident Investigation, then the substitute shall assume all of the ~~System~~Safety Coordinator's responsibility for that Incident Investigation.

Incident Report shall be defined as a document utilizing the standard report form in use by the Safety Committee at the time of the Incident. The Incident Report shall include analyses of all potentially causal elements including task, materials, environment, personnel, equipment, training and management. The Incident Report shall make recommendations to prevent recurrences of similar Incidents.

Incident Investigation shall be defined as a deliberate set of actions taken by an Incident Investigation Team, the purpose of which is to identify root causes of Incidents and make recommendations to prevent recurrences of similar Incidents. It shall include interviews, document and procedure review, data collection, site visits and any other activity consistent with this purpose.

#### TIMELINE

The Incident Investigation shall begin as soon as practical after an Incident, but never longer than 3 business days after the Incident. The field portion of an Incident Investigation, including interviews, site visits, and data collection shall be completed within 15 business days of the Incident unless impractical due to the nature of the Incident Investigation. For example, if a police report is required by the Incident Investigation Team and that police report is unavailable for 20 days, then the Incident Investigation timeline would need to be extended. Unavailability of staff due to conflicting operational priorities shall not justify failure to complete an Investigation within 15 days. A draft version of the Incident Report shall be completed within 20 business days of the Incident unless impractical due to the nature of the Incident Investigation. The CEO/General Manager shall review the draft Incident Report within 5 days of receiving it. The CEO/General Manager may approve and sign off on the Incident Report or refer it back to the Incident Investigation Team with specific recommendations to resolve insufficiencies of the draft report.

#### DISCIPLINARY ACTION

In cases of willful or repeated disregard for safety, employees shall be subject to progressive discipline up to and including discharge, subject to the requirements of the current applicable collective bargaining agreement.

#### RESPONSIBILITIES

All employees of the Cooperative are responsible to report or cause to be reported each Incident they witness. Incidents may be reported to a supervisor or to any manager of the Cooperative.



The chairs of the Cooperative's Safety Committee, shall have responsibility to lead or designate the leader of each Incident Investigation. With each incident, the committee shall appoint a team of 3 persons, each of whom shall be a member of the Cooperative's Safety Committee, to investigate.

Each member of the Incident Investigation Team shall participate in site visits, interviews, picture taking, sketching, mapping, and gathering of artifacts as appropriate to the circumstances.

The Safety Committee Chairs are responsible for collecting the materials and creating an Incident Report, which is complete, accurate, and legible.

Each member of the Incident Investigation Team shall be given the opportunity to annotate the report to point out disagreements regarding facts, causes, or solutions related to the Incident.

The Safety Committee Chairs are responsible for delivering the draft Incident Report to the CEO/General Manager. The report ~~may shall~~ be submitted electronically ~~or in hard copy~~.

The CEO/General Manager is responsible for reviewing the draft Incident Report and approving it or referring it back to the Incident Investigation Team for further work. The CEO/General Manager may refer the draft Incident Report to the Cooperative's attorney or other appropriate advisors for additional review and comment. The CEO/General Manager is also responsible for assigning tasks consistent with the recommendations in the Incident Report. Each task assignment shall have a due date and a clearly indicated responsible individual for completing the task. The CEO/General Manager is also responsible for following up on task completion until all assigned tasks are complete.

The CEO/General Manager shall provide a copy of each approved Incident Report to the Board of Directors at the next regularly scheduled meeting of the Board or as soon as practical thereafter.

One or all of the Safety Committee Chairs is responsible for providing an oral summary of the Incident Report at a regular safety meeting within 3 months of report submission to the CEO/General Manager.

DELAWARE COUNTY ELECTRIC COOPERATIVE, INC.

Approved by Board of Directors	April 23, 2013
Revised by Board of Directors	July 28, 2015
Revised by Board of Directors	September 25, 2017
Revised by Board of Directors	October 26, 2021
<u>Revised by Board of Directors</u>	<u>March 28 April 25, 2023</u>

## POLICY

SUBJECT: Sexual Harassment Prevention

### POLICY:

DCEC (the “Cooperative”) is committed to maintaining a work environment free from sexual harassment, which is one form of employment discrimination. This Policy is one component of the Cooperative’s commitment to a discrimination-free work environment.

- A. This Policy applies to all employees and directors. It also applies to individuals who are not employees of the Cooperative but are employees of contractors, subcontractors, vendors, consultants, and other persons who provide services in the Cooperative’s workplace, such as interns and temporary employees.
- B. Sexual harassment is not tolerated by DCEC, and is prohibited by this Policy. Employees and other individuals covered under this Policy will be subject to disciplinary or other corrective action for any violations of this Policy, which may include termination.
- C. No person covered by this Policy shall be subject to adverse employment action because he/she makes a good faith report of an incident of sexual harassment, or provides information, or otherwise assists in any investigation of a sexual harassment report. Any person covered by this Policy, who retaliates against anyone involved in a sexual harassment investigation, is in violation of this Policy and subject to ~~remedial or~~ disciplinary action, which may include termination.
- D. DCEC will conduct a prompt, thorough, fair, and confidential investigation, consistent with this Policy, in response to any report of sexual harassment. The Cooperative may also investigate other circumstances of inappropriate conduct occurring in its workplace or affecting the terms and conditions of employment for its employees or other individuals working in its workplace. The Cooperative will take effective corrective action whenever sexual harassment or other inappropriate conduct is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

### PROCEDURE:

- A. 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. Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the



binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

- B. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:
1. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile work environment, even if the reporting individual is not the intended target of the sexual harassment;
  2. Such conduct is made either explicitly or implicitly a term or condition of employment; or
  3. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.
- C. A sexually harassing hostile work environment can consist of threats, derogatory comments, signs, jokes, pranks, intimidation, physical contact, violence, or other conduct which is of a sexual nature, or which is directed at an individual because of that individual's sex.
- D. 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.
- E. The following is a list of some of the types of acts that may constitute sexual harassment:
1. Physical acts of a sexual nature, such as:
    - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employees' body;
    - • Rape, sexual battery, molestation or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
  2. Unwanted sexual advances or propositions.
    - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;



- Subtle or obvious pressure for unwelcome sexual activities; or
- Repeated requests for dates or romantic gestures, including gift-giving.

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

3.4. Written conduct such as authoring threatening, derogatory or offensive letters, e-mails, text messages, or social media posts.

4.5. 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 sexual displays on workplace computers or cell phones in the workplace, as well as: to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.

6. 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.

- Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
- Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.

7. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or the status of being transgender.

- Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
- Sabotaging an individual's work;
- Bullying, yelling, or name-calling;
- Intentional misuse of an individual's preferred pronouns; or
- Creating different expectations for individuals based on their perceived identities:
  - Dress codes that place more emphasis on women's attire;

- Leaving parents/caregivers out of meetings.

- F. In addition to the conduct described above, the following conduct may be sexual harassment and therefore shall be prohibited by this Policy:
1. Unsolicited verbal, sexual comments (i.e., off-color jokes or stories);
  2. Subtle pressure for sexual activity;
  3. Remarks about a person's body or about sexual activities;
  4. Patting, rubbing, pinching or any other unnecessary touching;
  5. Demanding sexual favors accompanied by implied or overt threats concerning one's employment (i.e., telling an employee that they cannot be promoted or cannot receive a pay increase without submitting sexually to their Supervisor);
  6. Physical assault;
  7. Harassment directed only toward individuals of the same gender.
- G. Any and all activities described above are expressly prohibited; however, the behavior and conduct specified are examples only and are not intended to be an all-inclusive list of what the Cooperative may determine to be sexual harassment under this Policy.
- H. Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassers can be a superior, a subordinate, a coworker or anyone else in the workplace, including an independent contractor, contract worker, vendor, member, client, customer, or visitor.
- I. Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business, at employer-sponsored events, or other occasions outside work. Calls, texts, emails, and social media usage by employees containing inappropriate messages, language, or graphics may also constitute or contribute to unlawful workplace harassment, even if they occur away from the workplace, on personal devices, or during non-work hours. Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.
- J. Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:
- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;

- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

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

Retaliation includes any conduct, whether or not in the workplace or employment-related, which might deter a reasonable person from making or supporting a charge of discrimination or harassment and is directed at someone who engages in protected activity. Protected activity includes opposing a discriminatory practice, making a good faith report of a suspected violation of this Policy, filing a harassment report, participating in an investigation or proceeding of such a report, or encouraging a fellow employee to make a report. Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

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

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

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

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

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

## REPORTING AND INVESTIGATION

### A. Reporting Sexual Harassment

1. Preventing sexual harassment is everyone's responsibility. DCEC cannot prevent or remedy sexual harassment unless it knows about it. Any employee who feels that they are a victim of sexual harassment or who observes or otherwise has reason to believe that sexual harassment is occurring in the Cooperative's workplace is required to immediately report the matter to any appropriate management official with whom they feel comfortable talking. The following reporting procedures are suggestions only; reports can be made to any supervisory personnel.
2. In the event that a sexual harassment allegation is against the employee's Supervisor, the employee should report the matter directly to the General Manager. Any allegation of sexual harassment against a Director should also be reported directly to the General Manager. If an allegation of sexual harassment is made against the General Manager, a report should be made directly to the President of the Board. All sexual harassment reports will be handled in a confidential manner by Cooperative officials, Managers and Supervisors to the extent practical.
3. Reports of sexual harassment may be made verbally or in writing. A form for submission of a written report is attached to this Policy, and all employees are encouraged to use this reporting form, but using the form is not required. Employees who report sexual harassment on behalf of another person should state clearly that the report is made on another person's behalf.

4. The availability of this reporting procedure does not preclude individuals who believe they are being harassed from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

~~B.~~ In instances where the person committing the sexual harassment or the circumstances of the sexual harassment make it difficult to report the incident to the supervisor, the CEO/General Manager, or the President of the Board, the employee shall report the incident to the Cooperative's Ombudsman, Jeff Clark at 585-721-2237 (Cell) and [jclark@livingstonassociates.com](mailto:jclark@livingstonassociates.com) for email. ~~362-4721 (office), 585-794-0819 (cell) or jrelark@bsk.com.~~

**C.B.** Supervisory Responsibilities: Any supervisor or manager who receives a report or information about suspected sexual harassment, or observes conduct that may be sexually harassing behavior **is required to take appropriate steps to address the conduct and to report such suspected sexual harassment to the General Manager. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.** In addition to being subject to discipline if they engaged in sexually harassing conduct or retaliation 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

#### C. Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

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

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

#### **D. Investigation of Sexual Harassment**

1. Sexual harassment reports will be immediately investigated. The investigation will be conducted on a confidential basis to the extent practical. The Cooperative's attorney may be consulted for advice, and all personnel are expected to cooperate fully in investigations. Failure to cooperate with the investigation may result in disciplinary action, up to and including termination. When appropriate, the results of the Cooperative's investigation and its recommendation will be discussed with the reporting individual before any action is taken.
2. In conducting a fair and impartial investigation, the Cooperative's procedures will include these "due process" protections: the Cooperative will provide appropriate notice of the allegations to anyone who is the subject of a harassment report and an opportunity to provide a response to the allegations. Reporting individuals and witnesses will be provided with an appropriate opportunity to present relevant information including documents relevant to the investigation. The Cooperative may adapt and modify the investigatory procedure, in its discretion, based on the nature of the report and the conduct at issue.
3. If the Cooperative determines that this Policy has been violated, it will take effective remedial action commensurate with the circumstances. Any employee who has been found by the Cooperative to have harassed another employee will be subject to corrective action, up to and including discharge where appropriate. If it is concluded that a non-employee has subjected an employee or other person protected by this Policy to conduct in violation of this Policy, prompt and effective action will be taken to stop the harassment and deter any future harassment.
4. Except as otherwise provided below, the results and recommendations of the Cooperative's investigation will be forwarded to the General Manager for a final decision. After reviewing the investigations results and recommendations, the General Manager will make a final decision as to the appropriate resolution of the sexual harassment allegation.
5. If an allegation of sexual harassment is made against the General Manager, a report of the Cooperative's investigation will be submitted directly to the President of the Board and/or the Cooperative's attorney. The President of the Board shall then attempt to resolve the matter with the General Manager. If a sexual harassment allegation is made against a Director, a report of the Cooperative's investigation shall be submitted to the General Manager, and the General Manager shall bring the investigations results and recommendations to the attention of the entire Board. The Board as a whole shall then attempt to resolve the matter with the Director.
6. When appropriate, the results of the Cooperative's investigation and its recommendation will be discussed with the reporting individual before any action is taken.



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## LEGAL PROTECTIONS AND EXTERNAL REMEDIES

A. Sexual harassment is not only prohibited by DCEC, but is also prohibited by state, federal, and, where applicable, local law. In addition to the procedures described in this Policy, individuals may choose to pursue legal remedies with the following governmental entities:

B. Division of Human Rights: The New York State Division of Human Rights (DHR) enforces the Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., which prohibits sexual harassment in employment in New York State, and protects employees, and other individuals working in an employer's workplace. A report alleging a violation of the Human Rights Law may be filed either with the DHR, subject to a three-year statute of limitations, or in New York State Supreme Court, also subject to a three-year statute of limitations. If unlawful discrimination is found after a hearing, the DHR or the court may award relief, which may include requiring the employer to take action to stop the harassment, to redress the damage caused, including reversing an unlawful employment action, and paying monetary damages, attorneys' fees, and civil fines. The DHR can be contacted at (888) 392-3644 or at [www.dhr.ny.gov](http://www.dhr.ny.gov). [Call the DHR sexual harassment hotline at 1\(800\) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.](#)

Equal Employment Opportunity Commission: The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An employee must file a report with the EEOC within 300 days from the conduct giving rise to the report. [There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC \(or the Department of Justice in certain cases\) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.](#)

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

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

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



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- C. ~~The EEOC investigates reports, and may pursue a claim in federal court on behalf of the reporting party, or issue a Right to Sue Letter that allows an individual to pursue his/her claims in federal court. Federal courts may award remedies if discrimination is found to have occurred. The EEOC can be contacted by calling 1-800-669-4000 (1-800-669-6820 (TTY)), or at their website: [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov). If an individual files an administrative report with the DHR, the DHR will file the report with the EEOC to preserve the individual's right to proceed in federal court.~~
- D. Local Laws: 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. If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime, and it may be appropriate to report such conduct to the local police department.

The Cooperative will meet with employees as frequently as is necessary, but at least annually, to explain the provisions of this Policy and the Cooperative's intolerance of sexual harassment.

The Cooperative also prohibits discrimination or harassment on the basis of race, color, creed, ethnicity, disability, religion, national origin, military status, age, gender, arrest record, veteran status, sexual orientation, marital status, familial status, domestic violence victim status, criminal history, citizenship, predisposing genetic characteristics, genetic information, or any other category protected by law.





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### **Sexual Harassment Reporting Form**

This form is designed to assist individuals making a report under DCEC's Sexual Harassment Prevention Policy. If you believe you are, or have been, subject to conduct in violation of the Sexual Harassment Prevention Policy, or witness or otherwise become aware of such conduct, you are expected to report that information either verbally or in writing. It is the policy of DCEC to promptly and thoroughly investigate such reports.

If you wish to make a written report, you may use this form to do so. After completing this form, please submit it to the General Manager's office, in person or via email. If you are more comfortable reporting verbally or in another manner, you are welcome to do so.

The Cooperative prohibits retaliation against any individual who opposes a discrimination practice, makes a good faith report of discrimination or harassment, or who participates in an investigation of such reports. Your cooperation in truthfully completing this form and providing as much accurate information as possible will enable us to investigate and respond to these matters.

#### **YOUR INFORMATION**

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_ Work Address: \_\_\_\_\_

\_\_\_\_\_

Personal Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Job Title: \_\_\_\_\_ Email: \_\_\_\_\_

Preferred Communication Method: \_\_\_\_\_

#### **SUPERVISOR'S INFORMATION**

Immediate Supervisor's Name: \_\_\_\_\_ Title: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Work Address: \_\_\_\_\_

\_\_\_\_\_

#### **INFORMATION CONCERNING SUSPECTED HARASSMENT**

1. The name of the person(s) involved in your report

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Other identifying information: \_\_\_\_\_

Relationship to you: ☐Supervisor ☐Subordinate ☐Co-Worker ☐Other: \_\_\_\_\_



2. Please describe the conduct or incident(s) that are the basis of this report and your reasons for believing the conduct is harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

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3. Date(s) harassment occurred: \_\_\_\_\_

Is the harassment continuing? ☐ Yes ☐ No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your report. Please use additional sheets of paper if necessary.

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5. Have you previously reported or provided information (verbal or written) about harassment at DCEC? If yes, when and to whom did you report or provide information?

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Upon receipt of this report, a Cooperative representative will contact you. Every effort will be made to assure that confidentiality will be maintained throughout the investigatory process to the extent consistent with the need to investigate your report and to take appropriate corrective action. For additional information, see the Sexual Harassment Prevention Policy.

*The information provided in this report is true and complete and I request that DCEC investigate this report and advise me of the outcome of the investigation.*

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

RESPONSIBILITY: The Board of Directors, General Manager, Department Managers and Supervisors are responsible for the administration of this Policy and reporting form.

**DELAWARE COUNTY ELECTRIC COOPERATIVE, INC.**

Approved by the Board of Directors	Jun 14, 2000
Revised by the Board of Directors	Jul 26, 2011
Revised by the Board of Directors	Apr 28, 2015
Revised by the Board of Directors	Mar 7, 2017
Revised by the Board of Directors	Oct 23, 2018
Revised by the Board of Directors	Oct 21, 2019
Revised by the Board of Directors	Jan 25, 2022
<u>Revised by the Board of Directors</u>	<u>Apr 25, 2023</u>



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## ACKNOWLEDGEMENT

I acknowledge that I have read the Sexual Harassment Prevention Policy and Reporting Form, that I understand these documents, and that I am aware that I can bring any questions I have about this or any of the Cooperative's policies to a supervisor or to the General Manager.

Individual Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

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

## POLICY

SUBJECT: Workplace Violence and Harassment

### POLICY:

Any form of workplace violence, including harassment, is prohibited in Cooperative facilities and vehicles, during either working or nonworking time, and while performing Cooperative business either on or off Cooperative premises. This policy applies to an immediate supervisor, the CEO/General Manager, a Board member, a coworker, an employee, a vendor doing business with the Cooperative, a non-employee or a consumer/member.

Workplace violence includes, but is not limited to, harassment, threats, physical attack or property damage.

#### Definitions:

- (1) Harassment - Behavior or communication designed or intended to embarrass, intimidate, menace, or frighten another person. Harassment can be verbal, physical or visual. It includes touching, gesturing, making comments, using terms, or displaying or sending images, of or in a sexual, racial, ethnic or otherwise discriminatory nature or way, with the intention, actual or reasonably perceived, of causing offense or intimidation, or seeking a response which is reasonably objectionable, to the targeted person. The standards of the targeted person, and not the perpetrator, are paramount in the definition of Harassment. For example, a hug may be a normal expression of friendship for some, but if the targeted person feels that a hug crosses a boundary of personal space, then the targeted person has the right to communicate such to others and have an expectation that their boundaries will be respected.
- (2) Threat - The expression of intent to cause physical or mental harm. An expression constitutes a threat regardless of whether the party communicating has the present ability to carry out the threat, and regardless of whether the expression is a present, conditional, or future threat. Threats may be either direct or implied.
- (3) Physical attack - Unwanted or hostile physical contact, including but not limited to hitting, fighting, pushing, shoving, throwing objects, or using a dangerous weapon against an individual. (Guidelines: A dangerous weapon is any instrument capable of producing bodily harm, in a manner under circumstances and at a time and place that manifests intent to harm or intimidate another person or that warrants alarm for safety of another person in the workplace.)
- (4) Property damage - Intentional damage to property which includes property owned by the Cooperative, employees, visitors, vendors, or members.



Any employee who feels that he/she is a victim of workplace violence or who observes or otherwise has reason to believe that violence is occurring in the Cooperative's workplace shall immediately report the matter to his/her supervisor. The supervisor shall report the incident to the CEO/General Manager. If the supervisor is the subject of concern, the employee shall report the incident directly to the CEO/General Manager. Delaware County Electric Cooperative, Inc. encourages employees to do this so that all complaints of workplace violence will be investigated promptly and in as impartial and confidential a manner as possible by Management staff and other individuals with a need to know. Circumstances may arise in which a limited number of other persons may have to be informed. Cooperative legal counsel will be consulted and all parties involved will be expected to cooperate fully with said counsel. In instances where the person committing the workplace violence or the circumstances of the workplace violence make it difficult to report the incident to the supervisor or the CEO/General Manager, the employee shall report the incident to the Cooperative's Ombudsman, Jeff Clark at 585-362-4721 (office), 585-721-2237794-0819 (cell) or [jrelark@bsk.com](mailto:jrelark@bsk.com) [JClark@livingstonassociates.com](mailto:JClark@livingstonassociates.com).

The employee who brings a good faith complaint will not be retaliated against, even if the complaint is not sustained.

The accused individual will be informed of the complaint in a timely manner and given the opportunity to tell his/her side.

Delaware County Electric Cooperative, Inc. may take interim measures pending full investigation and resolution of complaints. These interim measures may include separating parties to the complaint or suspension of the accused.

Any employee who is found, after appropriate investigation, to have engaged in workplace violence will be subject to appropriate disciplinary action, up to and including immediate termination.

PROCEDURE: As outlined in Policy

#### RESPONSIBILITY:

- A) Employees are responsible for maintaining an awareness of potential violent situations and bringing them to the attention of management personnel as soon as possible.
- B) All supervisors are responsible for communicating and administering this policy.
- C) The CEO/General Manager/~~CEO~~ shall be responsible for the overall administration of this policy. This policy will be reviewed annually with all employees and new employees upon hire. When reviewed at an all employee meeting, the training will be documented with an employee sign-in sheet.

#### DELAWARE COUNTY ELECTRIC COOPERATIVE, INC.

Adopted by Board of Directors

September 27, 2016

Revised by Board of Directors

July 23, 2019

Revised by Board of Directors

January 25, 2022



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Revised by Board of Directors

April 25, 2023

## **CEO/GM Report**

APRIL 2023

### **Government Relations and Outside Organizations:**

- CEO Gasstrom, Director Wehmeyer, Student Erin Coopersmith and Chaperone Kathleen Coppersmith attended the NRECA Legislative Conference in Washington, D.C. April 15-19.
- CEO Gasstrom and President Pick attended NYAPP annual conference in Saratoga Springs April 11-13.
- CEO Gasstrom, Operations Manager Sullivan, CSA Linehan, and other staff met with Alex Horton of Congressman Molinaro's staff. Gave Mr. Horton a tour of the building and part of the service territory, specifically near Delhi sub and FrieslandCampina to highlight grant applicable items.
- CEO Gasstrom attended the Rural Resources Fair in Albany and had interaction with several Assemblymembers and State Senators to share information on the CLCPA and grant applications.
- CEO Gasstrom and President Pick attended the NYSRECA GR Zoom Call on April 6.
- Operations Manager Sullivan and CSA Linehan attended a chamber of commerce Legislative Forum and had positive interactions with Assemblyman Tague, Assemblyman Angelino, Assemblyman Maher, and Congressman Molinaro.

### **Cooperative Relations:**

- The four coop CEOs have been discussing rate strategies, meter infrastructure, and other shared service possibilities.
- DCEC continues to work closely with SUNY-Delhi on community projects.

### **Grants:**

- DCEC has submitted grant applications to the DOE for a Grid Resiliency grant and two applications to the ARC for Workforce Development. Also, DCEC has been included in a consortium grant application submitted by NRECA in the areas of Process Improvement and Energy Efficiency/Demand Response.

### **Community Interaction:**

- CEO Gasstrom attended Chamber of Commerce meeting in Hancock to network with other local business leaders.
- DCEC has had one applicant for the Youth Legislative Tour

## **CFO REPORT**

March 29- April 18, 2023

### **FINANCE/ ACCOUNTING:**

#### **Audit:**

- The audit has been completed successfully, with no findings

#### **Form 7:**

- The Form 7 data has been uploaded to RUS

#### **PSC Report:**

- The annual financial report to the PSC will be submitted as soon as possible

#### **Form 990:**

- Mark is working with Mike Roseberry to compile the data for the draft 990

#### **Miscellaneous:**

- Continuing to review procedures for accuracy, improvements, efficiencies, etc.



## **Operations Manager Update**

### **Engineering & Operations:**

- Notable Outages and Occurrences: No notable outages in period. Minor outages relating to wind and trees on line.
- Disconnections: Door knockers place and payment arrangements made 4/15/23 marked end of Winter disconnect procedures.
- Right of Way Crew: In house crew cleared 5.8 miles since last report. Asplundh working along Catskill Turnpike and adjacent roads in Kortright headed towards Meredith.
- Headquarters: No activity currently.
- Special Projects: Working on workplan with PSE and Paul De Andrea.
- Fleet Concerns: Parts availability still an issue. Will look to review inventory and stock some parts that make sense.

### **Safety Report:**

- Injury Report: Zero incidents since last report. As of now none are lost time.
- Safety Committee Activity: Committee meeting not yet scheduled.

Respectfully submitted Ryan Sullivan    4/17/23