OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

DISCRIMINATION AND SEXUAL HARASSMENT POLICY

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

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

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

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

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

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

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

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

HOW TO FILE A COMPLAINT

Internal:

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

External:

NYS Division of Human Rights

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

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

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

Equal Employment Opportunity Commission (EEOC)

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

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

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

NEW YORK
STATE OF
OPPORTUNITY

New York State Employee Discrimination Complaint Form

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

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

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

Section 1: Complainant Information

Full Name

Preferred Email Address (for complaint related communications)

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

Work Location/Address **Work Phone #**

Home Address **Personal Phone #**

Section 2: Supervisory Information

Immediate Supervisor Name **Title**

Work Location/Address **Work Phone #**

2nd Level Supervisor Name **Title**

Work Location/Address **Work Phone #**

Section 3: Details of Claim

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

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

2. Your claim of discrimination is made against:

Name 1 **Title**

Agency **Facility/Work Location** **Work Phone**

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

Name 2 **Title**

Agency **Facility/Work Location** **Work Phone**

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

Continued --->

New York State Employee Discrimination Complaint Form

3. Date(s) discrimination occurred:

Is the discrimination continuing?
☐ Yes ☐ No

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

5. Have you filed a claim regarding this complaint with a federal, state, or local government agency? ☐ Yes ☐ No
6. Have you instituted a legal suit or court action regarding this complaint? ☐ Yes ☐ No
7. Have you hired an attorney with respect to the allegations in the complaint? ☐ Yes ☐ No

8. This complaint form was completed by:
☐ Complainant
☐ Supervisor/Manager
☐ Affirmative Action Administrator

Signature

Date

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

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

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

CODE OF ETHICS

I Introduction

It is the policy of the Olympic Regional Development Authority (hereinafter, "ORDA" or "Authority") to conduct all of its activities pursuant to the highest standards of public integrity and ethical conduct. So as to emphasize the standards of ethical conduct expected of all members, employees and representatives of the Authority, ORDA's Board of Directors has adopted, in its By-Laws (Article III, Conflicts of Interest) and by resolution (Nos. 11, 79, 179), a stringent Code of Ethics (hereinafter, the "Code"). This Code establishes the parameters of permissible activity by ORDA members, employees and representatives, specifically proscribes certain activities, and establishes the administrative structure through which such matters shall be identified and resolved. In general, any questions regarding the application the Code, or any doubts regarding the propriety of any action planned or taken by the Authority, it members, employees, or representatives, shall be brought to the attention of ORDA's Counsel. ORDA' s Counsel will, in turn, refer any and all matters constituting breaches of the Code, or any other matter he/she deems necessary, to ORDA's Committee on Ethics, as created and empowered by Resolution # 11, dated 3/21/83.

II. Public Officers Law

The Ethics in Government Act was enacted in 1987 to eliminate abuse and corruption in State government and to restore the public's trust and confidence in public institutions. Under the Act, restrictions were imposed on the business and professional activities of State officers and employees, both during and after their State employment. The act also requires certain public employees to file an annual statement of financial disclosure to the State Ethics Commission. All members, employees and representatives of the Authority are subject to the ethics provisions as set forth in Public Officers Law §§ 73, 73-a, and 74. The rules of ethical conduct as set forth in the Code are to be considered as supplemental to those contained in §§ 73 and 74 of the Public Officers Law, and such law is paramount and controlling to the extent, if any, that it is more restrictive or limiting than the Code.

III. Conflicts of Interest

Members, employees and representatives of the Authority shall avoid actual, apparent, or potential conflicts of interest in the exercise of their official duties and responsibilities, as well as their private and individual interests. Such conflicts of interest may include:

Soliciting, accepting or receiving any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, promise, or in any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence the member, employee, or representative of the Authority, or could reasonably be expected to influence the member, employee, or representative of the Authority in the performance of his/her official duties, or as a reward for any official action;

Accepting outside employment which would impair the member, employee, or representative of the Authority's independence of judgement in the exercise of his/her official duties, or which would require or result in the disclosure of confidential information gained by reason of State position, employment or authority;

Soliciting or obtaining significant interest or investment in business enterprises that act as ORDA sponsors or suppliers, other than those interests or investments held prior to service as a member, employee, or representative of the Authority;

Taking part, as a member, employee, or representative of the Authority, in the identification, negotiation, selection, acquisition or determination of any procurement, contract, transaction, or other matter with any business entity in which such member, employee, or representative has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his/her official duties.

ORDA's Code mandates complete disclosure to the Authority, in writing, of any such conflict. This requirement includes a detailed recitation of the nature and extent of any direct or indirect financial or other interest such member, employee, or representative of the Authority may have in any entity currently doing or attempting to do business with ORDA. Such recitation shall be made a part of ORDA's official record of said business transaction. Every effort must be made to identify and memorialize the appearance or existence of a conflict of interest at the earliest stage of any Authority business transaction, and whenever possible, prior to any final action.

IMPORTANT NOTICE

A conflict of this type shall preclude any member of the ORDA Board of Directors from voting upon such business before the Authority, and shall require all members, employees, and representatives of the Authority to refrain from any involvement in the transaction of such business at any level. Any and all inquiries regarding the application of the requirements of the Code on this subject should be immediately referred to ORDA Counsel. ORDA Counsel shall refer any and all matters constituting breaches of the Code to the ORDA Committee on Ethics.

IV. Outside Employment or Activities

As detailed in Section III, above, no ORDA member, employee or representative shall engage in any outside business activity, connection, transaction, or employment that would conflict with the public interest. In addition, no ORDA member, employee or representative shall engage in any outside business activity that would reflect adversely on the integrity of the ORDA member, employee or representative, or the Authority itself. Actions associated with any outside business employment or activity are not permitted during normal work hours, and no Authority premises, equipment, supplies, or resources of any kind may be used to accomplish such activity.

V. Political Activities

Authority members, employees, and representatives are encouraged to take an interest in local, State, and national political affairs, and to participate in such affairs, on their own time, in the manner they see fit. There is no fundamental prohibition that bars a State employee from being elected to and holding public office. However, the Public Officers Law generally prohibits an individual who is serving in a policy making position from serving as an officer of any political party or political organization (note - a "political organization" is defined to mean an organization that is affiliated with or subsidiary to a political party, but does not include campaign or fundraising committees). Any participation by an ORDA member, employee, or representative in permitted political activities must be in a mamier that makes it clear that the he/she is acting as an individual, not as a representative of ORDA; must not interfere with his/her job duties; must not be done on paid ORDA time unless charged to appropriate leave accruals; and must not involve the use of ORDA resources, facilities, equipment or supplies. In general, ORDA members, employees, and representatives are charged to pursue a course of conduct that will maintain the public's trust and confidence in civil servants and public institutions, and which complies with all applicable local, State and federal laws. Any questions on these requirements should be directed to ORDA's Counsel or to the Ethics Commission.

VI. Policy Makers

ORDA's Board of Directors will, on an annual basis, identify those employees of the Authority who are designated as policy makers. Employees deemed policy makers are subject to additional reporting requirements as administered by the New York State Ethics Commission. Any questions on these requirements should be directed to ORDA's Counsel or to the Ethics Commission.

VI. Financial Disclosure

Public Officers Law § 73-a requires ORDA employees whose annual salaries exceed $70,851.00 (as of 2002), or those employees designated as policy-makers (regardless of annual compensation), to file Annual Financial Disclosure Statements with the State of New York Ethics Commission. Pursuant to the State's Public Officers Law, a failure to file this Statement in a timely manner may subject a required filer to a civil penalty levied by the Ethics Commission of up to ten thousand dollars ($10,000.00), and/or disciplinary action initiated by ORDA. Any questions on these requirements should be directed to ORDA's Counsel or to the Ethics Commission.

CODE OF CONDUCT

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

OFFICE OF THE NEW YORK STATE INSPECTOR GENERAL

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

WHISTLE BLOWER PROTECTION AND PROCEDURES FOR FILING COMPLAINTS

SCOPE:

This policy, approved by the Board of Directors of the New York State Olympic Regional Development Authority (ORDA), applies to all ORDA employees. This policy is intended to provide safeguards and procedures for employees who have bona fide complaints regarding acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an employee or ORDA Board member (including violation(s) of ORDA's Code of Ethics as well as violation(s) of §§ 73, 73-a, and 74 of the Public Officers Law). ORDA reserves the right to modify or amend this policy at any time as it may deem necessary.

STATEMENT OF POLICY:

ORDA is committed to the highest possible standards of conduct while ensuring a workplace environment that promotes openness, fairness, productivity and teamwork. This policy furthers our commitment by articulating procedures for employees to proactively provide information regarding acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an ORDA employee or ORDA Board member. This policy assures that any employee will be protected from reprisals or victimization for conveying such information appropriately and in good faith.

This policy is intended to supplement, not replace, the administrative chain of command, the personnel policies, and routine operational procedures. All employees are expected to bring information regarding acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an employee or ORDA Board member to any Venue Manager, Director, the Sr. Vice President, or the Chief Executive Officer.

Should an employee believe that his/her issue was not fully and properly addressed, s/he may issue a complaint with the NYS Inspector General without fear of reprisal by:

calling 1-800-DORIGHT
(1-800-367-4448)

or

e-mailing inspector.general@ig.state.ny.us

or

writing to
State Inspector General
Empire State Plaza
Agency Building 2, 16th Floor
Albany, NY 12223

or going to the following web page:

http://www.ig.state.ny.us/complaints/fileComplaint.html

REPORTING

Reporting: Complaints should be reported in writing, with or without identity of the complainant, to any Venue Manager, Director, the Sr. Vice President, or the Chief Executive Officer. Should the complaint relate to any of the above officials, the complainant should submit his/her issue directly to the Office of the Inspector General.

INTERNAL PROCEDURES:

Evidence: Although the complainant is not expected to prove the truth of an allegation, s/he needs to demonstrate that there are reasonable grounds for his/her concern.

Investigation of Complaint: All complaints will be directed to the Sr. Vice President and/or Chief Executive Officer. After receipt of the complaint, there will be an evaluation to determine the voracity of the complaint as well as the need for a formal investigation. The initial evaluation will determine whether a formal investigation is appropriate and what form, if any, that it should take. Concerns may be resolved by addressing/correcting the matter without the need for a formal investigation. Should a formal investigation be warranted, an Investigator will be appointed.

Contact With and Information to Reporter: The amount of contact between the complainant and the Investigator will depend on the nature of the issue and the clarity of information provided. Further information may be sought from the complainant, if he or she is known. The complainant, if known, will be given the opportunity to receive follow-up on his or her concern. This follow-up includes:

- Acknowledgement that the concern was received;
- Indication as to how the matter will be dealt with;
- An estimate of the time that it will take for a final response;

Resolution: The Investigator shall provide a written report and recommended steps for resolution to the Chief Executive Officer who shall take the steps s/he deems necessary to resolve the matter. The Chief Executive Officer shall maintain a file regarding all complaints filed within the scope of this policy.

SAFEGUARDS

Anonymous Allegations: Complainants are encouraged to put their names to allegations because appropriate follow-up questions and investigation may not be possible unless the source of the information is identified. Concerns expressed anonymously will be investigated, but consideration will be given to:

- the severity of the issue;
- the credibility of the concern; and
- The likelihood of confirming the allegation from documentation and/or other sources.

While ORDA will take steps to keep the complainant's name confidential, a complete investigation may require divulging the complainant's name. In such cases, the name will be divulged only on a need-to-know basis as determined by the Investigator. Further, the Investigator will stress the necessity to keep the complainant's name confidential to any person(s) whom his/her name was identified. Last, anonymity cannot be assured if an external investigation or criminal proceedings related to the report occur.

Retaliation: Retaliation in any form against the complainant for providing appropriate information in accordance with these policies will not be tolerated.

Malicious Allegations ORDA recognizes that intentionally untruthful, malicious, unfounded, erroneous or harassing allegations would be damaging to the mission, integrity and morale of ORDA as well as the reputations of its employees and board members. The safeguards stated in this policy do not apply to individuals who make such complaints. Such allegations may result in disciplinary action.

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

Safety Policy & Program

Mission Statement

The NYS Olympic Regional Development Authority ("ORDA") has created this Safety Policy and Program in order to provide and maintain a safe and healthful work environment. It is each employee's responsibility to comply with ORDA's Health & Safety Program.

Management Commitment and Leadership

ORDA is committed to providing a safe environment for its employees. Management supports the Safety Program with human, financial and material resources needed to achieve its goal.

All staff are expected to abide by safety policies and procedures. Failure to follow safety policies and protocols shall be deemed cause for disciplinary action.

It is ultimately management's responsibility to ensure that all staff adhere to the Safety Policy and Program and that employees are held accountable when there are violations of this Policy and Program.

Safety Committees

Safety committees and monthly safety committee meetings are required at each venue. Meetings are to be held at a minimum of every other month. Each safety committee must be-comprised of a mixture of management and labor and must have a Chair and a Secretary.

Minutes are distributed to venue management staff, safety committee members, the Human Resources Department, the Chair and Co-chair of the Central Safety Committee and ORDA's President/CEO and Vice President.

The agenda for safety committee meetings will include:

- Reviewing accident investigation reports and determining if appropriate corrective action was taken to prevent a similar occurrence in the future. If not, the committee should submit a recommendation to the appropriate venue manager for subsequent action. If an accident investigation report is not clear, it should be returned to the supervisor to provide more information.
- Report hazards that could lead to accidents or property damage and make recommendations.

  Recommendations should be submitted to the appropriate Venue Manager
- Identifying and assisting with any activities that support the Safety Program

Central Safety Committee

The Central Safety Committee (CSC) shall be comprised of (a) representative(s) from each venue. The chair of each venue's safety committee shall also serve on the CSC. This committee will meet no less than every three months. The purpose is to share information among the venue operations and maintain consistency from venue to venue in the areas of policy, procedures, training etc.

The central safety committee will review ORDA's safety program yearly to assure compliance and revise safety program if needed. Recommendations for safety compliance shall be reduced to writing and submitted to each venue manager as well as ORDA President/CEO and Vice President.

Supervisors

Supervisors are responsible for

- Maintaining a safe work environment and safe work practices
- Identifying cause(s) of injury for all work-related accidents including near misses and recommend actions to prevent similar incidents. Incident reports shall be submitted by the end of the shift the incident happened on.
- Enforcing ORDA's Safety Policy and Program

Department Supervisors

Department Supervisors are responsible for

- Job Hazard Analysis- Supervisors are required to complete a job hazard analysis for every task undertaken in their department. Surroundings of job site, tools, equipment, personal protection equipment, training and precautions are crucial considerations in this analysis

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

Training

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

All new staff members are given orientation training as soon as possible. Annual refresher training is also provided to all year-round and returning seasonal staff. Additional safety training is provided to staff as pursuant to their respective job titles and descriptions by their supervisors. These descriptions include and outline nature of work, equipment used, job requirements, personal protective equipment and safety training necessary to perform the job function.

All training must be documented.

Staff

All employees are responsible for

- workplace safety
- if involved in or aware of an accident that results in personal injury or property damage, accident must be reported to supervisor and complete an incident report immediately.
- Report any condition or practice that may cause injury and/or damage to equipment immediately
- comply with safety rules established by management.

Inspections

Each venue will conduct quarterly inspections. Findings must be documented. A copy of the findings will be provided to venue management staff and safety committee, human resources department, chair and co-chair of the Central Safety Committee, President and Vice President.

Employee participation is encouraged.

Personal Protective Equipment

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

Signatures of all top management, each venue and union confirm their commitment to this safety policy and program.

Mike Pratt, President/CEO

Vero Piacentini, Vice President of Operations

Scott Christiansen, Vice President of Marketing & Sales

T. Carlino

Tony Carlino, General Manager-OSC/Jumps

Bayse

James Bayse, Gore General Manager

Aaron Kellett, Whiteface General Manager

Terry Buczkowski, Olympic Center General

Bruce Transue

Bruce Transue, Belleayre Mountain General Manager

David Mckillip Director of Human Resources

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

Worker's Compensation Instructions

Dear Employee:

As your employer, one of ORDA's primary objectives is to promote safety and health in every task undertaken. If there is an unfortunate injury, we want our employees to obtain any and all necessary medical care as soon as possible. If you injury prevents you from performing your job, ORDA will make every effort to provide meaningful paid employment until you can return to your normal duties.

We need your assistance to accomplish this mission.

Employee's responsibilities:

- ✓ Report accident or incident to your supervisor within the working shift. If impossible, please report accident as soon as possible. Please provide reason why unable to report accident earlier.
- ✓ Complete an Incident Report accurately and thoroughly with your supervisor— We encourage safety recommendations to prevent similar accidents.
- ✓ Seek medical attention, when necessary and provide the doctor's office/hospital with a copy of the *Doctor/Hospital—Injured Employee Information* form. (This form must be completed and returned to the office to file in your accident/incident report.)
- ✓ If a physician indicates you should remain out of work, contact your venue administrator as soon as possible—no later than 24 hours. Notify her of any follow-up visits, which might result in changes to your out of work status.
- ✓ O.R.D.A. will make every effort to return an employee to a modified/alternate job when, an employee has been released by their treating physician with temporary physical restrictions after sustaining a work related injury.
- ✓ Follow your doctor's instructions and do not perform any physical tasks that exceed your doctor recommendations or physical capabilities.

If you have any questions or concerns regarding your injury, do not hesitate to contact your supervisor or your venue's designated workers compensation processor.

ORDA
EMPLOYEES TRAINING ON HAZARD COMMUNICATION

"RIGHT TO KNOW"

A. ORDA has established a hazards communication program which conforms to current labor laws, in that;

1. All employees must be informed of hazardous chemicals in the work place.
2. Employees must be trained on a regular basis in handling substances found in the work place.
3. Records will be kept of each training session.

B. Copies of a book which outlines the hazard communication program, and lists pertinent safety information on each product, are located conveniently for any employee to use. If you would like to see the program, please ask the Venue Manager

C. Employees who use hazardous materials will be instructed in the use of Material Safety Data Sheets (MSDS)

1. Where the MSDS for a specific substance is located.
2. How to request a MSDS for other substances.
3. What information is contained on the MSDS.

D. As an employee, you have a right to know what you are working with. Should you have any questions about a product, contact your supervisor, and let him know your concerns. The "Right to Know" book is available for your use. Read product labels, and be aware of substances you are working with.

E. All training sessions will be conducted with a specific purpose. All employees in attendance will be asked to sign a record of the training session, which identifies the material covered.

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

Social Media Policy

Purpose and Benefits of the Policy

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

Authorization

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

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

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

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

Use of Social Media by Authorized Users

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

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

Authorized users:

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

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

ORDA Social Media Sites

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

ORDA Social Media Use Policy

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

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

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

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

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

Disclaimer

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

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

5.0 Policy Compliance

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

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

ORDA recognizes that many of its employees use social media for their own personal use. Therefore, ORDA employees, or those working on behalf of ORDA, who use social media and social networking services and tools for personal use outside of the workplace do not require approval to do so. However, ORDA recognizes that these types of tools can sometimes blur the line between professional and personal lives and interactions. Therefore, employees are reminded that, as representatives of ORDA, the guiding principles identified below should be taken into consideration when using social media at any time, but particularly when identifying themselves as employees of ORDA or when context might lead to that conclusion.
By exercising discretion and common sense when employing social media for professional or personal purposes, employees will help assure that their great potential is fully realized without inadvertently compromising ORDA's professional, legal, or ethical standards.

Guiding Principles

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

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

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

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

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

VIOLENCE IN THE WORKPLACE POLICY

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

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

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

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

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

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

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

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

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

Domestic Violence in the Workplace

Policy Statement

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

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

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

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

Definitions

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

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

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

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

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

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

Guidelines

I. Employee Awareness

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

a. ORDA shall post information on domestic violence and available resources in the work site in places where employees can obtain it without having to request it or be seen removing it, such as rest rooms and lounge areas. Such information shall include available sources of assistance such as Employee Assistance Program, local domestic violence service providers, the NYS Domestic Violence and Sexual Assault hotline, and/or human resources personnel who are trained and available to serve as confidential sources of information, support, and referral.

b. Referrals shall be made to domestic violence programs located on the OPDV website at http://www.opdv.state.ny.us/about_dv/fss/resource.html. Additional referrals may be made to best meet the needs of the employee. Information shall be made available on employee bulletin boards and included in employee newsletters, as appropriate.

c. ORDA shall include information on domestic violence awareness and services in written materials provided to new employees and as part of new employee orientation.

d. ORDA shall inform employees that New York State law prohibits insurance companies and health maintenance organizations from discriminating against domestic violence victims. The law prohibits designation of domestic violence as a pre-existing condition. An insurance company cannot deny or cancel an insurance policy or require a higher premium or payment because the insured is or has been a domestic violence victim. [§2612 of the Insurance Law.]

e. ORDA shall integrate information on domestic violence and ORDA's domestic violence and the workplace policy into existing materials and literature, policies, protocols, and procedures, including Public Employer Workplace Violence Prevention Programs(3) as appropriate.

f. ORDA shall consider conducting domestic violence awareness activities such as "brown bag" lunch programs and other health and wellness programs.

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

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

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

a. ORDA, upon request, will assist the employee in determining the best use of his/her attendance and leave benefits when an employee needs to be absent as a result of being a victim of domestic violence. If an employee requests time off to care for and/or assist a family member who has been a victim of domestic violence, the agency will evaluate the employee's request for leave for eligibility under existing law and collective bargaining agreements applicable to the employee and the attendance rules.

b. ORDA recognizes that victims of domestic violence may lack the required documentation or have difficulty obtaining the required documentation to justify absences without compromising their safety. Therefore, ORDA will, upon request, consult with the employee to identify what documentation she/he might have, or be able to obtain, that will not compromise his/her safety-related needs and will satisfactorily meet the documentation requirement of the employer. Because there are confidentiality issues associated with the submission of documentation in these instances, ORDA may consult with the Attendance and Leave Unit at the Department of Civil Service for guidance.

c. Employees who are victims of domestic violence and who separate from a spouse (or terminate a relationship with a domestic partner, if covered), shall be allowed to make reasonable changes in benefits at any time during the calendar year where possible, in accordance with statute, regulation, contract and policy.

d. ORDA prohibits inquiries about a job applicant's current or past domestic violence victimization, and prohibit employment decisions to be based on any assumptions about or knowledge of such exposure.

e. In cases in which it is identified that an employee's work performance difficulties are a result of being a victim of domestic violence, said employee shall be afforded all of the proactive measures outlined in this policy, and shall be provided clear information about performance expectations, priorities, and performance evaluation. If a disciplinary process is initiated, ORDA will consider all aspects of the victimized employee's situation, and all available viable options in trying to resolve the performance problems should be exhausted, including making a referral to the Employee Assistance Program, provided that they are consistent with existing collective bargaining agreements and applicable policies.

f. If reasonable measures have been taken to resolve domestic violence-related performance problems of victimized employees, but the performance problems persist and the employee is terminated or voluntarily separates from employment, ORDA should inform the employee of his or her potential eligibility for unemployment insurance and respond quickly to any requests for information that may be needed in the claims process. New York State law provides that a victim of domestic violence who voluntarily separates from employment may, under certain circumstances, be eligible for unemployment insurance benefits. [§593 of NYS Labor Law.]

III. Workplace Safety Plans

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. Accountability for Employees Who Are Offenders

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

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

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

3. In cases where an employee intentionally uses his/her job-related authority and/or intentionally uses state resources in order to negatively impact a victim of domestic violence, assist an abuser in locating a victim, assist an abuser in perpetrating acts of domestic violence, or protect an abuser from appropriate consequences for his behavior, said employee shall be subject to corrective or disciplinary action.

V. Training

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

a. The ORDA/OPDV liaison and all personnel designated to provide support for those in need of assistance should complete OPDV's one-day training on Domestic Violence and the Workplace. Training will prepare support personnel to identify possible signs and indicators of victimization, make appropriate referrals to domestic violence service providers, work with professionals to assist identified victims with safety planning, and develop individualized responses in recognition of the physical, social and cultural realities that may affect an individual victim's situation. Training will also include information on the ways in which domestic violence impacts the workplace, including the potential impact on worker productivity and the safety risks to on-site personnel and visitors.

b. All appropriate managers, supervisors, employee assistance professionals, human resources personnel, union and labor representatives and security staff are encouraged to attend OPDV's training on Domestic Violence and the Workplace.

c. Training on domestic violence and its impact on the workplace should be made available on a regular basis for all ORDA staff. Training would include information on the physical, social and cultural realities that may affect victims of domestic violence, the ways in which domestic violence impacts the workplace, including the potential impact on worker productivity and safety risks. When possible, OPDV-approved training materials can be integrated into existing union and management training programs, agency training programs, EAP training, Public Employer Workplace Violence Prevention Programs(4) training, etc.. Training may also be provided by OPDV or a local domestic violence service provider when scheduling permits.

VI. NYS Agencies' Responsibilities(5)

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

a. ORDA shall disseminate copies of the agency's *Domestic Violence and the Workplace Policy* to all employees upon implementation and to all new employees upon hiring or appointment.

b. All employees shall review and follow the policy and procedures set forth in this domestic violence and the workplace policy.

c. ORDA shall, consistent with applicable law and agency policy, document all incidents of domestic violence that happen in the workplace. Such documents should be provided to the ORDA/OPDV Liaison as soon as practicable. Such documents shall be kept confidential to the extent permitted by law and agency policy and the provisions of section g detailed below.

d. All ORDA employees providing domestic violence information and support services shall document, consistent with applicable law and policy, the number of employees who report domestic violence, the number of employees that request information/services, and the number of referrals made to domestic violence service providers. All information about employees who seek assistance shall be kept confidential to the extent permitted by law and agency policy and the provisions of section g detailed below, and documentation should not include any personal information. The number of employees seeking assistance as outlined above shall be reported to the ORDA/OPDV Liaison.

e. All ORDA/OPDV Liaisons shall, consistent with applicable law and policy, provide information about the number and general nature of domestic violence incidents that happen in the workplace, the number of employees who report domestic violence, the number of employees that request information/services, and the number of referrals made to domestic violence service providers, with no personally identifying information, to OPDV at the time and in a manner determined by OPDV.

f. Information related to an employee being a victim of domestic violence shall be kept confidential, to the extent permitted by law and policy, and shall not be divulged without the written consent of the victimized employee, unless ORDA determines that maintaining said confidentiality puts the victim or other employees at risk of physical harm, is required by law, or is deemed necessary to enforce an order of protection. In such circumstances where a determination has been made that maintaining confidentiality puts the victim or other employees at risk of physical harm, is required by law, or is deemed necessary to enforce an order of protection. In such circumstances where a determination has been made that maintaining confidentiality puts the victim or other employees at risk of physical harm, only those individuals (ORDA employees and/or safety and security personnel and/or rescue and first aid personnel) as deemed necessary by ORDA to protect the safety of the victim and/or other employees or to enforce an order of protection shall be given such information. ORDA shall disclose only the minimum amount of information necessary to protect the safety of the victim and/or other employees or enforce an order of protection. Where possible, ORDA should provide to the victim of domestic violence notice of the intent to provide information to other employees and/or safety personnel. It is important for ORDA to inform a victim of domestic violence of ORDA policy of confidentiality toward domestic violence information and the limitations of that policy. Nothing herein shall prevent ORDA from investigating an act or acts of domestic violence that happen with in the workplace. ORDA shall provide examples of situations where confidentiality cannot be maintained such as the following:

   1. Supervisors/managers may be informed about a domestic violence incident that happens in the workplace, or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee's co-workers.

   2. First aid and safety personnel may be informed about a domestic violence incident that happens in the workplace or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee's co-workers.

   3. Government officials investigating a domestic violence incident that happens in the workplace, or a report of domestic violence, shall be provided relevant information on request.

g. ORDA shall provide a clear statement identifying the confidentiality limitations that exist to both staff providing support services and victims.

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

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

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

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

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

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

REASONABLE ACCOMMODATION POLICY STATEMENT

It is the policy of the Olympic Regional Development Authority ("ORDA") to comply with New York's Statewide Reasonable Accommodation Policy and Procedures for members of the public with qualified disabilities.

ORDA and the State of New York are committed to assuring equal opportunity for persons with qualified disabilities. To this end, it is both ORDA's and the State's policy to provide reasonable accommodation in all of its accommodations, programs and services. This policy is based on the federal Americans with Disabilities Act, Title II, and all applicable federal regulations thereunder. This duty of reasonable accommodation applies to:

- physical accessibility at government facilities, programs, and events;
- policy changes necessary to ensure that all people with disabilities can take part in, and benefit from, all state-owned or operated programs and services ;
- the provision of necessary auxiliary aids and services to ensure effective communication with persons with disabilities.

Any questions and/or enforcement issues regarding ORDA and its commitment to provide reasonable accommodations shall be directed to ORDA's Designee for Reasonable Accommodation:

David McKillip, Human Resources
dmckillip@orda.org
518-302-5307

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

Personal Information Notification

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

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

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

Information that you provide will be disclosed:

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

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

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

- or –

your venue's personnel office

ORDA Employee Expectations Regarding Youth Guests and Athletes

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

Inappropriate Contact:

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

Appropriate Contact:

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

Inappropriate Verbal Interactions:

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

Appropriate Verbal Interactions

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

Inappropriate Comments:

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

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

Limiting One-On-One:

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

Examples:

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

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

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

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

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

Reporting:

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

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

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

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

NYS Olympic Regional Development Authority
Employee Skiing and Riding Requirements

(October 29, 2018)

All NYS Olympic Regional Development Authority ("ORDA") employees and non-paid employees (volunteers) will adhere to the guidelines of this Skiing and Riding policy, which is in effect for all employees and non-paid employees having reason to ski/ride as part of their employment responsibilities.

1. ORDA employees and non-paid employees, on days with no assigned employment responsibilities, will indicate to their manager/supervisor that they are not available for work; which means they will not ski/ride in uniform and are not covered by Workers Compensation. A lift ticket/pass is always required to ride lifts.

2. "On the clock" means an employee or volunteer who is engaged in work specifically assigned and documented by their manager/supervisor. Employees/ non-paid employees skiing or riding while available for work but not on an assignment are considered "free skiing/riding" and not "on the clock". When not "on the clock," employees/volunteers may pursue activities offered, including skiing or riding but cannot wear uniform.

3. Employees/ non-paid employees "on the clock" skiing and riding must select terrain with the least challenge and risk necessary to complete assigned tasks or in their travels on the mountain. "On-the-clock" riding/skiing in terrain parks, glades, steeps, moguls, closed terrain or terrain not designated as for skiing/riding by the venue's trail map and performance of challenging maneuvers, are strictly prohibited unless specifically directed otherwise by a manager/supervisor.

4. Any employee/ non-paid employee who is not comfortable or does not have appropriate skills or physical ability for terrain assigned must contact a manager/supervisor immediately to arrange other on mountain travel.

5. All employees/ non-paid employees are required to ski or ride in control at all times and in a manner that is suitable for the terrain, conditions, and level of use by others. All employees and non-paid employees are to set an example of moderation and conservative skiing and riding for the general public. Ski or riding in a manner that displays technical skills used for racing or jumping, mogul skiing/riding, use of terrain park, and glades is not allowed at any time unless part of an approved job assignment by their manager/supervisor.

6. Employees/ non-paid employees will notify manager/supervisor at the start of the season, or as soon as possible, after an injury or illness, of any physical limitations or pre-existing condition they may have that will affect or limit their ability or present greater than average physical risk to ski/ride on the mountain in employment/volunteer related activities. After an injury requiring medical attention, a medical release from the employee's/ non-paid employee's attending physician is required before return to work/volunteering.

7. At the start of each season or prior to employment, employees/ non-paid employees who have verified with their manager/supervisor they may need to ski/ride on the clock, will have on-snow equipment checked, and if necessary repaired or replaced. They must have DIN settings adjusted to meet standards for a person of their age, physique, and ability level, as necessary, by a certified technician. Additionally, after a skiing injury on that equipment the bindings will be rechecked. This is to assure the bindings are in good working order prior to return to work. **Employees/ non-paid employees will submit a report from a qualified service technician for presentation to management before working/volunteering on snow.**

8. While skiing or riding at an ORDA venue "on the clock" or "off the clock," employees and non-paid employees are responsible for abiding by New York State Industrial Code Rule 54 (Safety In Skiing) and New York General Obligations Law Article 18 (Skier Responsibility Code) and subject to disciplinary action for violations. Skiing/riding on closed trails or out-of-bounds is grounds for dismissal and may result in class A misdemeanor charges that carry a penalty of up to one year in jail plus fines and court costs.

9. Prior to on-snow responsibilities and/or after release from all "on the clock" assignments, employees/ non-paid employees will change out of their uniform for any free skiing/riding on the venue. At the time of their next work task they will change into their uniform for the duration of line-up and any assignment, including lessons or other work, as assigned by their Supervisor. When no work is assigned, employee/ non-paid employees rights, obligations and responsibilities become those of a patron of ORDA venues rather than those of an employee. **ORDA jackets are NOT to be worn unless under a work assignment by management.**

10. ORDA uniform jackets are property of ORDA, therefore taking a uniform is a criminal offense. During the season each employee/ non-paid employees is responsible for keeping her/his jacket clean and neat. Nametags are provided by ORDA and will be be worn on your jacket as part of the uniform. All jackets will be returned to the Supervisor of the department at the end of each season.

11. **NOTICE TO SNOW SPORTS INSTRUCTORS:**
    A. Due to the increase in backwards skiing/riding incidents and accidents while teaching skiing/riding, **instructors are not allowed to ski/ride backwards while teaching students**. The only exception is if permission is given to an instructor by the Snow Sports School Director or Supervisor to ski/ride backwards while teaching ONLY, and in areas designated by the Snow Sports School Director or Supervisor. For Terrain Park lessons, an instructor can ski backwards for teaching purposes ONLY with permission from a Snow Sports Director or Supervisor.
    B. Free skiing/riding during the holiday season. If you are at the mountain on ANY holiday period day, you must indicate to your supervisor your availability to work, and report to line-up in uniform. If you are not assigned to a work task, you may then 'free ski/ride' until the next scheduled line up.

ORDA On-Snow Helmet Requirement to Work For Employees and NPE

(September 13, 2018)

We want our Employees and NPE (non-paid employees) to be and continue to be role models for youth, beginners and all other guests. With overwhelming usage in the industry, this helmet requirement is a natural evolution of the expectations we have for our Employees and NPE.

Definitions
Skiing and snowboarding will collectively be referred to as "skiing."

Volunteers are considered Non-Paid Employees (NPE).

Employees while working and NPE while "volunteering" will be referred to as being *on duty*.

Requirement
Any Employee/Non Paid Employee (NPE) who is on duty and is required to, or elects to ski or ride as part of their job function is required to wear a snow sports helmet.

This requirement applies to all Employees and NPE while skiing and riding on duty.

This requirement does not address situations that may exist for groups engaged in other operations that may have their own helmet requirements outside of skiing, such as snowmaking, vehicle operations, snowmobile use or tower climbing..

There may be times when it is appropriate for skiing Employees/NPE who are not actively skiing but performing other tasks to remove his/her helmet. Examples include tasks during which the Employee/NPE typically would remove outer layers of his/her uniform or when the helmet actively interferes with their ability to do his/her task. .A supervisor or manager must approve an employee's exemption from the helmet requirement for a specific and singular activity.

Helmet Distribution
ORDA will select a standard issue helmet for the 18/19 season. Employees/NPE may choose to purchase this helmet at a discount from ORDA or borrow this helmet to use on a daily basis. Employees/NPE, at their expense, may choose to use their own helmet but it must be, at a minimum certified ASTM F 2040.

Employee Borrow: Employees who do not have a helmet may choose to borrow a helmet on a daily basis from the venue's lending inventory. The venue will maintain a minimum of 25 helmets. Lending helmets will be managed by ski school. To borrow a helmet, employee must have department mgr/supr complete lending slip similar to below. Ski School will be responsible for daily inventory and inspection of helmets. Lending slips must be filed for documentation purposes.
If lending inventory does not have sufficient number of helmets on a particular day, ski school is to make arrangements with rental department for daily loaner using the same lending slip and document as part of their daily loaners.

Employee Helmet – daily lending inventory
Employee Name:_________________
Date:___________
Department: ____________________
Department Mgr/Sup Signature:
____
HELMET ID#_____________________
Returned: Yes / No Helmet Inspected upon return: Pass / Fail
(If Fail, remove from inventory and report to management)

Employee Purchase: Helmet must be ordered through the employee's department. Total helmets available for sale at each ski area is limited to 75. Availability is first-come, first-served and is limited to one per on-snow Employee/NPE. Employees without a helmet, will be required to bring their own, borrow from the venue's lending inventory or purchase their own.

Employee helmet purchases are not intended to be an additional helmet, a "back-up" helmet, or intended for use by someone other than the employee.

Employee Cost: $20

Helmet Ownership
ORDA will not replace a lost or stolen helmet.

Warnings and Responsibilities
1. All safety equipment has limitations.
The Employee/NPE is required to read and follow all the manufacturers' instructions carefully.

2. Helmets are designed to absorb shock by partial destruction of the energy absorbing liner. This damage may not be visible. Therefore, if subjected to a severe blow, the helmet should be destroyed and replaced even if it appears undamaged.

3. No helmet can protect the wearer from all potential injuries resulting from every accident. It may not protect against injury in a severe or high speed impact and depending on the type of impact, even a low speed impact may result in a serious head injury or death.

4. A helmet can only provide a level of protection for areas that it covers. It does not protect against all head injuries or prevent injury to the face, neck or spinal cord.

5. This helmet requirement is in no way meant to change nor alter an employees'/NPE's responsibility to ski/ride safely. The Employee/NPE is always required to:
Follow the skier's responsibility code.

Employee/NPE Responsibilities

1. Know how to properly put on, fit, wear, and remove the helmet
    a. Always wear the helmet in the proper position
    b. Fasten the buckle and tighten the chin strap
    c. Check adjustments every time the helmet is worn
    d. Don't wear anything hard or sharp under your helmet

2. Inspect the helmet regularly for signs of wear or damage.

3. Replace a helmet that has been in an accident, damaged and/or suffered a significant blow.

4. Don't attach anything to the helmet unless approved by the manufacturer.

5. Don't take unnecessary risks just because you are wearing a helmet.

6. Understand when a helmet is necessary.

7. Understand the limitations of the helmet.

8. Understand the proper care and maintenance, useful life and replacement of the helmet.

9. Read and understand the ORDA requirement and any updates.

Supervisor Responsibilities, Training and Disciplinary Action:
Each Director and their management are responsible for ensuring that their Employees/NPEs understand and comply with this requirement and complete sufficient training regarding the use of snow sports helmets.

Employees/NPEs who do not comply with the requirement are subject to disciplinary action up to and including termination.

Stickers
Helmets worn by Employees/NPEs while on duty may not inappropriate stickers as deemed by ORDA management.

The requirements and implementation of this plan are subject to change at any time.

By signing below, I verify I have read, understand and agree to all parts of the 2018-2019 Skiing and Riding Policy, and Employee Helmet Work Requirements written herein.

Print Employee's/ non-paid Employee's name:

____

Employee's/ non-paid Employee's Signature:

____

Date: ____________________________________

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

Acceptable Use Standard

1) Overview:

Technology should be used to help organizations serve people. Available information technology contributes broadly to ORDA's mission. The high speed and highly public nature of the internet which makes it so useful also makes its users vulnerable in ways never imagined. The purpose of this standard is to outline the acceptable use of computer networks by ORDA employees. Inappropriate use exposes ORDA, and individual employees, to multiple risks. These rules are in place to protect ORDA and its employees.

By establishing and maintaining compliance with a standard governing appropriate use of information technology, risks and costs to ORDA can be mitigated while the potential of available communication tools is realized.

2) **Scope:** This standard applies to employees, contractors, consultants, temporaries, and other workers at ORDA, including all personnel affiliated with third parties. This standard applies to all equipment that is owned or leased by ORDA, and personal equipment used for ORDA business.

3) **Standard:**

   a. **General use and ownership:**

      i. While ORDA's network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the corporate systems remains the property of ORDA. Users of ORDA's computer systems should expect no right to privacy.

      ii. Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Individual departments are responsible for creating guidelines concerning personal use of ORDA's systems; if there is any uncertainty, employees should consult their supervisor or manager. Please refer to section 3) C, Unacceptable use, for absolute restrictions.

      iii. When working with **Personal, Private, or Sensitive information** (PPSI), ORDA employees are to take appropriate measures to protect that data from unnecessary exposure. Employees should consult with their supervisors if there is ever a question regarding appropriate controls of information. If there is a need to change how PPSI is handled, or a need to transport PPSI, written approval must be obtained before doing so. Example: An employee wants to take a paper file containing credit card numbers and move it into a computer spreadsheet: This cannot be done without written approval from ORDA's Information Security Officer.

      iv. **PPSI should never be transmitted via email.**

v. Employees with access to ORDA's network are required to respect the privacy of other users. For example: users shall not intentionally seek information on, obtain copies of, or modify files or data belonging to other users, unless explicit permission to do so has been obtained.

vi. For security and network maintenance purposes, authorized individuals within ORDA may monitor equipment, systems and network traffic at any time.

vii. ORDA reserves the right to audit networks and systems on a periodic basis to ensure compliance with this standard.

b. Security and Proprietary Information

i. Keep passwords secure and do not share accounts without written authorization from the IT Department. Authorized users are responsible for the security of their passwords and accounts. For more information, refer to ORDA's Password Standard.

ii. All PCs, laptops, and workstations are configured to be secured with a password protected screensaver which will automatically activate. Attempts to defeat this security measure are a violation of ORDA policy, and are not permitted.

iii. Employees must use extreme caution when opening e-mail attachments, which may contain viruses, e-mail bombs, or Trojan horse code.

iv. Information will be classified by ORDA with regard to its sensitivity. Supervisors will then be made aware of the necessary security controls to be placed on the information. These security controls are to be applied by all ORDA employees.

c. Unacceptable use:

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (See **5.0. Exceptions**)

i. Under no circumstances is an employee of ORDA authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing ORDA-owned resources.

The lists below are by no means exhaustive, but attempt to provide a framework for activities which fall into the category of unacceptable use.

d. System and Network Activities

The following activities are strictly prohibited, with no exceptions:

i. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by ORDA.

ii. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which ORDA or the end user does not have an active license is strictly prohibited.

iii. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.

iv. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
v. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
vi. Engaging in, procuring, or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
vii. Transmission of threatening, obscene, or harassing correspondence.
viii. Making fraudulent offers of products, items, or services originating from any ORDA account.
ix. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
x. **For the following private purposes**:
    1. Solicitation for religious or political causes
    2. Unauthorized not-for-profit business activities
    3. Private advertising of products or services
    4. Any activity meant to foster personal gain
xi. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, ping floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
xii. Port scanning or security scanning is expressly prohibited unless prior written approval is given by the Information Security Officer (ISO).
xiii. Executing any form of network monitoring which will intercept data not intended for the employee's computer, unless this activity is a part of the employee's normal job/duty.
xiv. Circumventing user authentication or security of any host, network or account.
xv. Interfering with or denying service to any user other than the employee's computer (for example, denial of service attack).
xvi. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
xvii. Providing information about, or lists of, ORDA employees to parties outside ORDA.

Forbidden Email and Communications Activities:

xviii. Sending unsolicited email messages that are not part of ORDA marketing efforts, including the sending of "junk mail" (email spam).
xix. Unauthorized use, or forging, of email header information.
xx. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
xxi. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
xxii. Use of unsolicited email originating from within ORDA's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by ORDA or connected via ORDA's network.
xxiii. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).
xxiv. For more information, see ORDA's email standard.

e. **Blogging** (to include Facebook, Myspace, and other similar services) by employees, is allowed as part of an approved ORDA marketing effort. Blog posts are subject to the terms and restrictions set forth in this policy.

f. Enforcement:

Any employee found to have violated this standard may be subject to disciplinary action, up to and including termination of employment.

g. Exceptions:

Exemptions from this standard may be made during troubleshooting procedures approved by IT department staff.

h. Definitions:

Term	Definition
Blogging	Writing in a blog. A blog (short for weblog) is an online journal that is updated and intended for public consumption.
Extranet	A portion of ORDA's internal network which is extended to users outside the company.
Intranet	The local network at ORDA
ORDA	Acronym for NYS Olympic Regional Development Authority
Internet/extranet Systems	Includes, but is not limited to, computer equipment, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing, and FTP
Spam	Unauthorized and/or unsolicited electronic mass mailings.

7.0 Revision History and planning

This standard represents best practices for companies utilizing computer technology. This standard will be reviewed and revised every two years after the date of its approval, or in response to technological changes or incidents.

October 24, 2014: This policy was reviewed by Information Security Officer Kevin Geil, and deemed to be current.

October 22, 2015: This policy was reviewed by Information Security Officer Kevin Geil, and deemed to be current.

October 7, 2016: This policy was reviewed by Information Security Officer Kevin Geil, and 2 commas were added to section **d**.vi.

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

Cardholder Data Security Standard

1) Purpose

In the course of ORDA's business mission, employees will deal with PPSI (Personal, Private, or Sensitive Information). It is ORDA's goal to ensure that all such information is protected from disclosure which may be harmful to its customers. Because credit cards play a large role in ORDA's business processes, a standard specific to cardholder data is necessary.

2) Scope

The following set of guidelines must be followed by every employee when working with Cardholder Data (the full credit card number and expiration date):

3) Standard

a) Employees must treat Cardholder Data as highly confidential and exercise caution when working with this information.
b) Employees must stamp any document that contains Cardholder Data as "Confidential".
c) Employees must shred all paper records that include Cardholder Data when finished working with them.
d) The storage of CV2 Data (the three or four digit code on the back of the card) is prohibited.
e) Employees must store all records that include Cardholder Data in a locked drawer or cabinet.
f) Employees are prohibited from removing any Cardholder Data from ORDA's Premises in any format, including verbal, printed, or electronic (email, compact disc, etc.).
g) Cardholder Data may not be transported through interdepartmental mail.
   i) When Cardholder data must be transported between departments, it must be delivered in person, with full control over the chain of custody. In other words, if I need to deliver a batch of applications to another department, I will need to either: a. deliver it myself, or b. hand it to a co-worker who is authorized to handle Cardholder Data, and have that person deliver it.
h) Employees are prohibited from copying / storing files that contain Cardholder Data electronically (includes computer, phone, compact disk, etc.).
i) Employees must destroy any stored Cardholder Data as soon as is reasonably practical following any authorized use.
j) Employees are required to report any violations of this standard to their supervisor immediately.
k) Violations of any of the aforementioned policies may result in termination and / or prosecution under Federal and State laws.

4) **Exceptions:** A rare situation may arise where it is not possible to follow this standard to the letter. If this is the case, written approval from ORDA's Information Security Officer must be granted in writing prior to any change in procedure.

---

5) Definitions:

PPSI	Acronym for Personal, Private, or sensitive information. Includes, but is not limited to: cardholder data, Social Security numbers, bank account numbers, and medical records
Cardholder data	For the purposes of this document, Cardholder data is defined as the full credit card number and expiration date. (The last 4 digits from a credit card may be stored.

6) Change Control and Revisions:

a) **December, 2011**. The Employee signature lines have been omitted, because a sign-off sheet listing multiple Information security standards is now in use.

b) **October 24, 2014**. This policy was reviewed by Information Security Officer Kevin Geil and deemed to be up-to-date.

c) **October 22, 2015**. This policy was reviewed by Information Security Officer Kevin Geil and deemed to be up-to-date.

d) **October 7, 2016**. This policy was reviewed by Information Security Officer Kevin Geil and deemed to be up-to-date.

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

Email Standard

1) Overview

Email is critical to ORDA's business processes. Well-designed and properly managed e-mail systems expedite business communications, reduce paperwork, and automate routine office tasks, increasing productivity and reducing costs. These opportunities are, however, at risk if e-mail systems are not managed effectively. The intent of this standard is to promulgate business practices that:

- support ORDA business
- reduce legal and other potential risks
- define managerial authority over e-mail communications
- train employees in e-mail use and policies
- provide for necessary records retention, accessibility, and protection
- make users of ORDA's email system aware of forbidden activities

2) Scope

This standard applies to anyone using email for activities related to ORDA business, including employees, contractors, consultants, temporaries, and other workers at ORDA, and all personnel affiliated with third parties. This standard applies to all equipment that is owned or leased by ORDA, and personal equipment used for ORDA business.

3) Standard

a. Access to email services

E-mail services are provided to staff whose job functions require it. To request access, contact your supervisor.

b. E-mail, like other means of communication are to be used to support ORDA business. Staff may use e-mail to communicate informally with others in the organization so long as the communication meets professional standards of conduct. Staff may use e-mail to communicate outside of the organization when such communications are related to legitimate business activities and are within their job assignments or responsibilities. Limited email to outside non-business resources is permitted.

4) Use of E-mail

a. E-mail users should:

i. be courteous
ii. protect others' privacy and confidentiality
iii. consider organizational access before sending, filing, or destroying e-mail messages
iv. protect their passwords
v. remove personal messages, spam, and reference copies in a timely manner
vi. comply with ORDA policies, procedures, and standards as outlined in other policies

5) **Privacy and Access:**

a. **ORDA maintains control and ownership of e-mail communications**. Employees have no right or expectation of privacy when using e-mail. E-mail system administrators may routinely monitor individual staff member's e-mail and will take reasonable precautions to protect the privacy of e-mail. Computer system administrators and technical staff may access an employee's e-mail:

i. For a legitimate business purpose (e.g., the need to access information when an employee is absent for an extended period of time)

ii. To diagnose and resolve technical problems involving system hardware, software, or communications.

iii. To investigate possible misuse of e-mail when a reasonable suspicion of abuse exists or in conjunction with an approved investigation. If a reasonable suspicion of misuse is discovered, the suspicion will be reported, in writing, to the employee's supervisor, ORDA's President and CEO, and the human resources office.

b. Email messages sent or received in conjunction with ORDA business may:

i. Be releasable to the public under the Freedom of Information Law.

ii. Require special measures to comply with the Personal Privacy Protection law.

iii. Be subject to discovery proceedings in legal actions.

6) Security:

Email security is a joint responsibility of ORDA's technical staff and e-mail users. Users must take all reasonable precautions, including safeguarding and changing passwords, to prevent the use of their account by unauthorized individuals.

a. Unacceptable Practices:

i. Staff shall not use e-mail for illegal, disruptive, unethical or unprofessional activities, or for personal gain, or for any purpose that would jeopardize the legitimate interests of the State of New York.

ii. Transmission of **PPSI** (Personal, Private, or Sensitive Information) via email is not allowed. PPSI includes, but is not limited to: Credit card numbers, Social Security numbers, and medical information.

iii. A staff member is prohibited from accessing another user's e-mail without that user's permission.

iv. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).

v. Unauthorized use, or forging, of email header information.

vi. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.

vii. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.

viii. Use of unsolicited email originating from within ORDA's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by ORDA or connected via ORDA's network.

7) MANAGEMENT AND RETENTION OF E-MAIL COMMUNICATIONS

E-mail created in the normal course of official business and retained as evidence of official policies, actions, decisions or transactions are records and subject to records management requirements under the Arts and Cultural Affairs Law and specific program requirements.

a. **Examples of messages sent by email that typically are records include, but are not limited to:**
   i. policies and directives
   ii. correspondence or memoranda related to official business - work schedules and assignments
   iii. agendas and minutes of meetings
   iv. drafts of documents that are circulated for comment or approval
   v. any document that initiates, authorizes, or completes a business transaction
   vi. final reports or recommendations

b. **Examples of messages sent by email that typically are not considered records:**
   i. copies or extracts of documents distributed for convenience or reference
   ii. personal messages and announcements
   iii. phone message slips
   iv. announcements of social event

c. Records communicated using e-mail need to be identified, managed, protected, and retained as long as they are needed to meet operational, legal, audit, research or other requirements. Records needed to support program functions should be retained, managed, and accessible in existing filing system outside the e-mail system in accordance with ORDA's standard practices.

8) ROLES AND RESPONSIBILITES

a. Orda's executive management will insure this standard is implemented by the computer support department staff. The computer support department will develop and/or publicize record keeping practices in their area of responsibility including the routing, format, and filing of records communicated via e-mail. They will train staff in appropriate use and be responsible for ensuring the security of physical devices, passwords, and proper usage. The computer support department staff are responsible for e-mail security, backup, and disaster recovery.

9) Enforcement

a. Any employee found to have violated this standard may be subject to disciplinary action, up to and including termination of employment.

10) Exceptions:

11) Exemptions from this standard may be made during troubleshooting procedures approved by IT department staff.

12) Definitions:

Term	Definition
PPSI	Personal, Private, or Sensitive Information. PPSI includes, but is not limited to: Credit card numbers, Social Security numbers, and medical information.

13) Revision History and Planning:

The first version of this standard was implemented in December, 1999. This standard, created in December, 2010, updates the first version to reflect the major changes in electronic communication over the last decade. This standard will be reviewed every two years, or as changes in electronic communication require.

October 24, 2014: This standard was reviewed by Information Security Officer Kevin Geil, and deemed to be up-to-date

October 22, 2015: This standard was reviewed by Information Security Officer Kevin Geil, and deemed to be up-to-date

October 7, 2016: This standard was reviewed by Information Security Officer Kevin Geil, and deemed to be up-to-date

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

Olympic Regional Development Authority (ORDA) Mobile Computing and Storage Device Standard.
Applies to Smartphones, Laptops, and other devices mentioned below

1) **Purpose:**
The purpose of this standard is to establish an authorized method for controlling mobile computing and storage devices that contain or access information resources at ORDA.

2) **Background/History**
With advances in computer technology, mobile computing and storage devices have become useful tools for meeting business needs at ORDA. These devices are especially susceptible to loss, theft, hacking, and the distribution of malicious software because they are easily portable and can be used anywhere. To address mobile computing security concerns, it is necessary to adopt formal security measures in order to protect information resources at ORDA. The primary concerns of this standard are the protection of PPSI (Personal, Private, or Sensitive Information: see definition below), and the protection of ORDA information assets which would damage the well-being of ORDA or members of the general public if compromised. Examples of PPSI are credit card numbers, or Social Security numbers; please see definition below.

3) **Scope**
This standard applies to ORDA employees, consultants, vendors, and contractors, and others who use mobile computing and storage devices on the network at ORDA.

4) **Standard:**
   a. Mobile computing and storage devices containing or accessing the information resources at ORDA must be approved prior to connecting to the network at ORDA. This pertains to all devices, regardless of ownership. I.E., if a user purchases their own smartphone, it must be approved before connecting to ORDA's information network
   b. Mobile computing and storage devices include, but are not limited to: laptop computers, tablets, smartphones, personal digital assistants (PDAs), Universal Serial Bus (USB) port devices, Compact Discs (CDs), Digital Versatile Discs (DVDs), flash drives, and any other existing or future mobile computing or storage device, either personally owned or ORDA owned, that may connect to or access the information systems at ORDA.
   c. If the free use of mobile storage devices becomes problematic for network security, IT department staff may deploy technology (after approval by ORDA's CEO) to block unknown devices from attaching to ORDA computers until they are scanned and approved by IT department staff.

d. A risk analysis for each new media type shall be conducted and documented prior to its use or connection to the network at ORDA unless the media type has already been approved by the Information Security Officer (ISO). The ISO will maintain a list of approved mobile computing and storage devices.

e. Mobile computing and storage devices are easily lost or stolen, presenting a high risk for unauthorized access and introduction of malicious software to the network at ORDA. These risks must be mitigated to whenever possible.

f. **Storage of PPSI on a portable device is forbidden unless**:
   i. there is a clear business need to do so, and:
   ii. There is no alternative to doing so.
   iii. Written approval by ORDA's Information Security Officer has been obtained

g. Portable computing devices and portable electronic storage media that contain Personal, Private or Sensitive Information (PPSI) must use encryption or equally strong measures to protect the data while it is being stored. These measures must be reviewed and approved in writing by the ISO.

5) **Roles and Responsibilities**

a. **Users** of mobile computing and storage devices must diligently protect such devices from loss of equipment and disclosure of private information belonging to or maintained by ORDA and they must annually sign this standard.

b. The **IT Department** must be notified immediately upon detection of a security incident, especially when a mobile device may have been lost or stolen

6) **Exemptions:** Exemptions from this standard may be made during troubleshooting procedures approved by IT department staff. Names of employees omitted.

7) **Definitions:**

Formatted: Font: Bold

CD	Compact Disc (sometimes spelled *disk)* is a small, portable, round medium made of molded polymer (close in size to the floppy disc) for electronically recording, storing, and playing back audio, video, text, and other information in digital form.
DVD:	The *digital versatile disc* stores much more than a CD and is used for playing back or recording movies. The audio quality on a DVD is comparable to that of current audio compact discs. A DVD can also be used as a backup media because of its large storage capacity.
Flash Drive keychain drive, USB drive, Thumb drive	A plug-and-play portable storage device that uses flash memory and is lightweight enough to attach to a key chain. The computer automatically recognizes the removable drive when the device is plugged into its USB port. A Flash Drivecan be used in place of a floppy disk, Zip drive disk, or CD.
Handheld wireless device:	A communication device such as a smartphone or tablet, to include any electronic device which may be used to contain or transmit data.
Mobile Devices:	Mobile media devices include, but are not limited to: Laptops, PDAs, plug-ins, USB port devices, CDs, DVDs, flash drives, modems, handheld wireless devices, and any other existing or future media device.
Personal, Private, or Sensitive	Any information where unauthorized access, disclosure, modification, destruction or disruption of access to or use of such information could

Information (PPSI)	severely impact ORDA, its critical functions, its employees, its customers, third parties, or citizens of New York . This term shall be deemed to include, but is not limited to, the information encompassed in existing statutory definitions **PPSI includes, but is not limited to:** • Information concerning a person which, because of name, number, personal mark or other identifier, can be used to identify that person, in combination with: o Social Security Number; o Driver's license number or non-driver identification card number; o Mother's maiden name; or o Financial account identifier(s) or other information which would permit access to a person's financial resources or credit. • Information used to authenticate the identity of a person or process (e.g., PIN, password, passphrase, biometric data). This does not include distribution of one-time-use PINs, passwords, or passphrases. ORDA financial records • Information that identifies specific structural, operational, or technical information, such as maps, mechanical or architectural drawings, floor plans, operational plans or procedures, or other detailed information relating to electric, natural gas, steam, water supplies, nuclear or telecommunications systems or infrastructure, including associated facilities, including, but not limited to: • training and security procedures at sensitive facilities and locations. • descriptions of technical processes and technical architecture; • plans for disaster recovery and business continuity; and • reports, logs, surveys, or audits that contain sensitive information. • Security related information (e.g., vulnerability reports, risk assessments, security logs). • Other information that is protected from disclosure by law or relates to subjects and areas of concern as determined by ORDA executive management.

Revision History and Planning:

October 24, 2014: This policy was reviewed by Information Security Officer Kevin Geil, and deemed to be current.

October 22, 2015 Changed by Information Security Officer Kevin Geil:

1. Changed the 4.b to include the word tablet.
2. Changed the definition of "Handheld Wireless Device" to reflect current technology

October 7, 2016: This policy was reviewed by Information Security Officer Kevin Geil, and deemed to be current.

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

Password Standard

1) Overview:

Passwords are a critical part of information and network security. Passwords serve to protect user accounts, but a poorly chosen password, if compromised, could put the entire network at risk. As a result, all employees of the Olympic Regional Development Authority are required to take appropriate steps to ensure that they create strong, secure passwords and keep them safeguarded at all times.

2) Scope:

This standard applies to all employees of ORDA who have or are responsible for a computer account, or any form of access that supports or requires a password, on any system that resides at any ORDA venue, has access to the Olympic Authority's network, or stores any Olympic Authority information.

3) Standard:

a. General:

i. Workstation passwords will be changed every 42 days.
ii. Old passwords cannot be re-used.
iii. Users will be notified 14 days in advance of password expiration date. At this time, users will be prompted to select a new password.
iv. All passwords must conform to the guidelines outlined below.

b. Password Construction Guidelines:

i. Passwords should not be based on well-known or easily accessible personal information.
ii. Passwords should contain at least 10 characters.
iii. Passwords should contain Characters from 3 of the following 4 categories:
- **English uppercase characters (A through Z)**
- **English lowercase characters (a through z)**
- **Base 10 digits (0 through 9)**
- **Non-alphabetic characters (for example, !, $, #, %)**

iv. Passwords must not be based on the company's name or geographic location.

c. **Password Protection Guidelines:**

i. Passwords should be treated as confidential information. No employee is to give, tell, or hint at their password to another person, including other co-workers, friends, and family members.

ii. If someone demands your password, refer them to this standard or have them contact the IT Department.

iii. Passwords are not to be transmitted electronically over the unprotected Internet, such as via e-mail.

iv. No employee is to keep an unsecured written record of his or her passwords.

v. Do not use the "Remember Password" feature of applications.

vi. If possible, don't use the same password to access multiple company systems.

vii. If an employee either knows or suspects that his/her password has been compromised, it must be reported to the IT Department and the password changed immediately.

d. **Enforcement:**

Any employee who is found to have violated this standard may be subject to disciplinary action, up to, and including termination.

4) **Exceptions:**

a. Exemptions from this standard may be made during troubleshooting procedures by IT Department staff.

5) **Definitions:**

Term	Definition
Compensating Controls	In cases where the primary means of controlling user behavior are not available, alternative controls are applied. For example, food and beverage salespoints are configure to auto-log in to Windows and rely upon unique Siriusware passwords for security.

6) **Revision history and planning**

a. **October 7, 2016:** Section 3)b. was edited to reflect changes to password length and complexity implemented in June of 2016.

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

Cardholder Data Breach Standard

1) Purpose:

The purpose of this standard is to provide a framework for responding to the theft, loss or compromise of credit card information.

2) Scope and Responsibility:

a. Management has appointed an Incident Response Team. This team and each member's role is documented on Appendix A to this standard, Incident Response Team Contact List.
b. Anyone discovering or suspecting a breach or unauthorized access to credit card information shall notify chairman of the Incident Response Team immediately.
c. If the chairman is not available, his/her designee (see appendix A) is to be notified immediately.

3) Standard/Procedure:

a. The following items are considered incidents:

1) Theft or loss of paper records containing credit card information.
2) Theft or loss of electronic media or devices containing credit card information.
3) Successful intrusion attempts whether discovered or reported through alerts from monitoring systems.
4) Alerts from antivirus or antispyware systems (real or suspected).

b. If a breach is discovered or suspected, take immediate action as follows:

1)If it is safe to do so, stop the breach.
2)Notify your supervisor of the breach, and any actions taken.
3)Do not turn the machine off, log on to it or modify it in any way.
4)Notify the Incident Response Team Chairman.
5)Identify the path of the breach and block it, if possible.
6)Preserve all logs and data.
7)Log all actions taken on Appendix B: Breach Log.

c. Incident Response Team actions.

1)Determine the extent of the breach.
2)Notify ORDA's CEO
3)Make required notifications according to local, state and federal laws and your merchant services contract.

4)You are required to notify your merchant bank within 24 hours of discovering or suspecting a breach.

5) Refer to https://usa.visa.com/support/small-business/data-security.html/merchant-pci-dss-compliance.jsp#1 for guidance on handling the breach. (link active as of October 2015)

6)Follow all instructions received from the merchant bank without delay.

7)Incident response plan must be tested annually.

8)A review of incidents and tests is to be conducted to identify improvement opportunities to this plan

4) References:

a. PCI Data Security Standard v3.1

5) Incident Response Standard Appendix A: Incident Response Team Contact List

6) Appendix B: Breach Log

Cardholder Data Breach Standard Appendix A: Incident Response Team Contact List

Name Of Member	Telephone numbers	Business Unit
Kevin Geil-Chairman	(518) 302-5388 Cell: (518) 524-9640	All ORDA Business Units
Phil Baumbach IT Coordinator-Alternate Chairman Designee	(518) 302-5366 Cell: (518) 524-9566	All ORDA Business Units
Peggy Evatt, Director of Finance	(518) 302-5317	All ORDA Business Units
Bill Borland-Whiteface business manager	(518)946-2223 EXT 206	Whiteface Mountain
James Bayse-Gore Mountain General Manager	(518) 251-2411	Gore Mountain
Mike Costantino-Gore Mountain IT Department	(518) 251-4849	Gore Mountain
Tim Maxwell-Belleayre Mountain IT Department	(845) 254-6188	Belleayre Mountain

Cardholder Data Breach Standard Appendix B: Breach Log

Action Taken:	Date and Time:

Revisions and History: This standard was updated on

14, December, 2012 to update Appendix A, the incident response team list to include staffing changes.

11, November, 2013 to make the following changes:

1. Update Appendix A, the incident response team list.
2. Add section 3.a.4, incidents to include: Alerts from antivirus or antispyware systems (real or suspected)
3. Updated link in C.5

24, October, 2014:

1. Update appendix A, the incident response team list to include staffing changes.
2. Update link in C.5
3. Change reference in 4.a to reflect new PCI-DSS

7, October, 2016:

To reflect changes in forensic investigation tactics, the following lines were removed from section 3)b.

1. Remove any affected computer from the network by disconnecting its network cable.
2. If using wireless – Change the SSID.

3, August, 2017:

1. Update Appendix-A, the incident response team list to reflect staffing changes.

24, April, 2018:

2. Update Appendix-A, the incident response team list to reflect staffing changes.

OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY

Cell Phone Usage Policy

ORDA recognizes that the use of cellular phones/smart phones as well as other mobile communications devices has become commonplace in society. This policy establishes permitted use of such devices as well as proper protocols for use of ORDA owned devices

Definitions

Cell phone – shall mean either a cellular phone and/or smart phone.

ORDA – shall mean the Olympic Regional Development Authority.

ORDA owned phone – shall mean any cell phone and/or smart phone issued by and/or paid for (including actual phone cost and monthly charges) by ORDA.

Personal cell phone – shall mean any cell phone and/or smart phone not issued nor paid for (including actual phone cost and monthly charges) by ORDA.

Policy Statement

In order to ensure that ORDA staff meet their obligation to guests and each other, this document sets forth ORDA policies about cell phone usage and applies to all employees. ORDA reserves the right to modify or update these policies at any time.

1. **Use of Cell Phones or Similar Devices**

a. **General Use at Work**. While at work, employees are expected to exercise the same discretion in using personal cell phones as they use with ORDA hardline phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity, safety and be distracting to others. Employees should restrict personal calls during work time, and should use personal cell phones only during scheduled breaks or lunch periods in non-working areas. Other personal calls should be made during non-work time whenever possible, and employees should ensure that their friends and family members are instructed of this policy. ORDA is not liable for the loss of personal cell phones brought into the workplace.

b. **Unsafe Work Situations**: ORDA prohibits the use of cell phones that create unsafe work situations (e.g., construction activities, near heavy machinery, etc.). Cell phones (whether personal or business-issued) may not be used in these instances.

c. **Use While Driving**: New York State law includes an absolute ban on the use of cell phones and texting - whether personal or business-issued, while driving. Use of cell phones, without a hands free device, while driving on ORDA time is prohibited.

2. **ORDA owned phones.**

a. Use. Some staff, with the approval of the appropriate supervisor, may be issued a cell phone by ORDA. An employee's respective Venue Manager, Director, or the President/CEO must justify and authorize the issuance of a cell phone to a staff member by filling out the Cell Phone / Smart Phone Approval Form. ORDA recognizes and accepts that many staff may use these phones for personal use and, as such, such use shall be considered a fringe benefit. Notwithstanding this, all information, including, but not limited to, e-mails, text messages, pictures, etc. used/created/received on an ORDA owned phone is ORDA-owned property and, consistent with ORDA's Acceptable Use Standard, there is no right to privacy regarding any transmission, data/information/pictures, and/or other information used in connection with an ORDA owned phone. Policies regarding personal use of ORDA owned cell phones while working is the same as that of personal cell phones.

b. **Protocols for Issuance of ORDA owned phones.** ORDA shall designate one person ("DESIGNEE") to be responsible for the distribution of ORDA owned phones as well as monthly maintenance of ORDA owned phones' contract(s). Before issuing a phone to any employee[1], the appropriate Venue Manager, Director, or President/CEO must provide written justification for the issuance of an ORDA-owned phone as well as the type of phone to be issued (see Cell Phone / Smart Phone Approval Form – attached). The President/CEO must authorize the issuance of all ORDA owned phones. The ORDA DESIGNEE shall not issue any phone without the appropriate approval form filled out and signed by all parties. Employees issued ORDA owned phones are responsible for the care and maintenance of the ORDA owned phone issued to him/her. Any damage that occurs outside of normal wear and tear is the responsibility of the employee (ie. dropped in water, dropped and the phone cracks/breaks, left in sunlight, etc.). Any damage that occurs must reported to the ORDA DSEIGNEE immediately - who will then determine the appropriate course of action (phone repair, replacement, etc.). The ORDA DESIGNEE shall determine cost associated with fixing/repairing/replacing the phone and shall invoice the employee for costs associated with replacement/repair. The President/CEO, Human Resource Director, or Senior Vice President may, at each individual's discretion, revoke any employee's ORDA owned phone privilege at any time by notifying the ORDA DESIGNEE with or without notice to the employee. Directors and Venue Managers may, at each individual's discretion, revoke the ORDA owned phone privileges of any of their staff at any time by notifying the ORDA DESIGNEE with or without notice to the employee. All ORDA phones shall be returned to the ORDA DESIGNEE when they are no longer being used. Employees who fail to return the phone upon request of the ORDA DESIGNEE and/or any other person authorized to justify an ORDA owned phone shall be charged the fair market value for the phone.

c. **Transfer of Liability.** Employees may be permitted to transfer the liability of a cell phone. This may occur either as: (1) ORDA absorbs the liability of a personal cell phone number; or (2) when the employee leaves and/or no longer uses an ORDA owned phone, ORDA transfers the liability (phone number) back to the employee (this generally would occur when the employee leaves service). The transfer of liability from a personal cell phone to ORDA requires the same approval for issuance of ORDA owned cell phones.

2. **Camera Phones**: Camera phones can present risks and potentially compromise sensitive information, trade secrets, or the privacy of other employees. Video voyeurism laws prohibit the recording or sharing of images without consent, when the recording was made in a location that the person expected would be private (e.g., restrooms, locker rooms, etc.).

---

[1] Staff who have cell phones that were issued prior to the adoption of this policy must, within thirty (30) days after the adoption of this policy, fill out a Cell Phone / Smart Phone Approval Form. Any staff member who fails to do so will have his/her ORDA owned phone turned off until the approval form is filled out and provided to the Human Resources Office

3. **Management of Cell Phone Use**: It is important that management personally provide a good example of cell phone use, and manages excessive or inappropriate use of such phones by their employees.

CELL PHONE / SMART PHONE APPROVAL FORM

Employee Name: ____________________

ANTICIPATED DATA USAGE: ☐ < 5 Gigabytes/month ☐ 10+ Gigabytes/month

☐ 5 – 10 Gigabytes/month

Go to http://www.verizonwireless.com/b2c/splash/dataShareCalculator.jsp?popup=true for data usage estimates

JUSTIFICATION:

____

____

____

____

Venue Manager / Director Approval: ____________________________
Signature

President / CEO Approval: ____________________________
Signature

While this phone may be used for personal reasons, I understand that all information, including, but not limited to, e-mails, text messages, pictures, etc. used/created/received on an ORDA owned phone is ORDA-owned property and, consistent with ORDA's Acceptable Use Standard, I have no right to privacy regarding any use, any transmission, data/information/picture, and/or other information used in connection with an ORDA owned phone. I further understand that I am personally liable for all use (appropriate or deemed to be inappropriate) of the ORDA owned phone that is assigned to me and I hereby release ORDA from any and all liability regarding the use of the phone issued to me.

____
Employee Signature

OFFICE USE ONLY

PHONE MODEL: ____________________

SERIAL NUMBER: ____________________

DATE OF ISSUANCE: ____________________

your retirement plan

For ERS Tier 6 Members
(Article 15)

New York State Office of the State Comptroller
Thomas P. DiNapoli
New York State and Local
Employees' Retirement System

A Message From Comptroller Thomas P. DiNapoli

As a member of the Retirement System, you are covered by a plan that provides important benefits. This publication explains some of those benefits and the services available to you as a member of our system, including:

- Benefits you will receive at retirement if you meet the service and age requirements (service retirement benefits);
- Benefits you may receive if you become permanently disabled (disability retirement benefits);
- Benefits your beneficiary may receive if you die while working for a public employer or, if eligible, after you leave public employment (death benefits); and
- Benefits you may receive at a later date, even if you leave public service before you become eligible to retire (vested benefits).

I am joined by a staff of dedicated professionals in my commitment to helping you make informed decisions about your future. I encourage you to contact us with any questions or suggestions you might have.

Sincerely,

Thomas P. DiNapoli
State Comptroller

Contents

About Your Membership

Retirement System Membership

Permanent, full-time employees of employers that participate in the New York State and Local Employees' Retirement System must become members of the Retirement System.

Under any of the following four scenarios, however, membership is optional:

- You are appointed to a temporary or provisional position;
- You work less than 30 hours per week, or less than the standard number of hours for full-time employment as established by your employer for your position;
- Your job is supposed to last for less than one year, or you work on a less than 12 months per year basis; or
- Your annual wage is less than New York State's minimum wage, multiplied by 2,000 hours.

When you become a Retirement System member, you must complete and file a membership application with the Office of the State Comptroller.

Tier Status

When you join the Retirement System, you are assigned to a tier based on your date of membership. Your tier determines:

- Your eligibility for service or disability retirement benefits;
- The formula used in the calculation of your benefits;
- Death benefit coverage;
- Service crediting; and
- Whether you must contribute toward your benefits.

If you joined the Employees' Retirement System on or after April 1, 2012, you are in Tier 6.

Contributing Toward Your Retirement

You are required to contribute 3 percent of your gross earnings (4 percent for uniformed peace officers and court officers employed by the Unified Court System) toward your retirement benefits during the fiscal year 2012-13. Beginning April 1, 2013, you are required to contribute a specific percentage of your gross earnings, as shown below, for all your years of public service after your date of membership.

Wages	Contribution Rate
Up to $45,000	3%
$45,000.01 to $55,000	3.5%
$55,000.01 to $75,000	4.5%
$75,000.01 to $100,000	5.75%
Over $100,000	6%

If you are employed by more than one participating employer, once you join the Retirement System, all salary and service earned in connection with this employment must be reported to this System, even if your membership is only mandatory with one employer.

Under Internal Revenue Code Section 414(h), your required contributions are tax-deferred until they are distributed to you. These contributions are reportable for federal income tax only when you withdraw or retire from the Retirement System. Therefore, contributions for Tier 6 members are:

- Not reported as wages for federal income tax;
- Reported as wages for New York State and local income taxes;
- Reported as wages for Social Security;
- Reported as wages to the New York State and Local Employees' Retirement System, and used in the calculation of all benefits paid by the Retirement System; and
- Calculated on your full gross salary, before any salary reductions for any other tax-deferred plan.

Becoming Eligible for a Benefit

Once you have ten years of credited service, you will be vested. This means you have earned the right to receive a retirement benefit, even if you leave public employment.

As a vested member, you can leave public employment and, when you reach age 55, apply for and receive a vested retirement benefit. The amount of your vested benefit is based on your service, age at retirement and the salary you earned when you were an active member.

Vesting is automatic — you do not have to fill out any paperwork or file an application to become vested. However, you will need to file an application to begin receiving your vested benefit.

Withdrawing Your Contributions and/or Your Membership

If you leave public employment with less than ten years of credited service, you may end your membership and withdraw your accumulated contributions (with interest compounded at 5 percent per year). To do this, you should file the Withdrawal Application (RS5014) no earlier than 15 days after you leave public employment.

Once you have ten or more years of service credit, you cannot withdraw from the Retirement System. Your contributions are required to remain in your account and you will qualify for a retirement benefit when you reach 55. It is up to you to apply for your retirement benefit at that time.

Ending Your Membership

Once you join, there are five ways your membership can end:

- If you do not have at least ten years of credited service and seven years have elapsed since you last worked in public employment;
- If you leave public employment before you have ten years of credited service and voluntarily withdraw your contributions;
- If you transfer your membership to another New York State public retirement system;
- If you retire; or
- If you die.

"Public employment" means paid service as an officer or employee with an employer that participates in the New York State and Local Retirement System.

Service Credit

Full- and Part-Time Service Credit

Full-Time Employment

If you join the Retirement System on the day you begin employment with a participating employer, we calculate your retirement service credit by subtracting your beginning date of employment from the date you actually leave paid employment as long as:

- You work on a full-time continuous basis; and
- You earn at least the equivalent of New York State's annual minimum wage for your full career in public service.

"Full-time" is defined by your employer, but must be at least six hours per day, for a five-day week.

Institutional teachers, teachers who work in schools for the deaf and blind, school district and Board of Cooperative Educational Services (BOCES) employees and college employees in both classified and unclassified positions who work full-time for the school year receive a full year of retirement service credit. "School year" refers to employment during the months of September through June.

Part-Time Employment

Part-time employment, except as noted below, is credited as the lesser of:

number of days worked ÷ 260 days

or

annual wages reported ÷ (State's hourly minimum wage × 2,000)

For institutional teachers:

number of days worked ÷ 200 days

For teachers working at New York State schools for the deaf and blind, BOCES and school district employees:

number of days worked ÷ 180 days

For college employees:

number of days worked ÷ 170 days

Employers report your days worked and salary to us.

Leaves of Absence

Half credit is given for sick leave at half pay.

Since service is usually not credited for any period of time you do not receive a salary, credit is not given for:

- Leaves of absence without pay;
- Authorized, unpaid medical leaves of absence; or
- Unpaid leave under the federal Family and Medical Leave Act.

Workers' Compensation

State employees will receive up to one year of service credit per incident while on Workers' Compensation leave. Non-State employees may be able to receive credit for some or all of your Workers' Compensation leave. To determine your eligibility and the cost (if any), please send a request to the Retirement System for review.

Credit for Previous or Military Service

You may be able to obtain credit for your previous public employment or military service. It is very important that you claim all the service credit you are entitled to receive as early as possible, because records documenting your previous service may be lost or destroyed with the passage of time.

Prior Service

Prior service is any period of time you received salary from a participating employer before that employer elected to participate in the Retirement System. To receive credit for this service, you must earn at least two years of credited service as a Retirement System member.

Example:

You worked for a municipality for six years before that municipality began participating, and now you have joined the System. You can request credit for those six years, but there would be a cost.

Service Before Your Date of Membership

You may receive credit for working for a participating public employer before you joined the Retirement System. To obtain the credit, you must earn at least two years of credited service as a Retirement System member.

Example:

You worked at the town library while going to school and, as a part-time employee, you chose not to join the System. When you have graduated and took a full-time job at the town supervisor's office, you were required to join. You can choose to claim the part-time service, but there is a cost.

Military Service

You may be able to receive credit for some or all of your military service. To determine your eligibility and the cost, if any, please send us a copy of your Certificate of Release or Discharge from Active Duty (DD-214).

Service From a Previous Membership

If you previously were a member of this System, or another public retirement system in New York State, your service may be recredited and your date of membership and tier restored. However, an earlier tier of membership does not always result in a better benefit. Please review your options carefully before making your decision, and contact us with any questions you may have. We will initiate reinstatement to Tiers 3, 4, 5, or an earlier date within Tier 6 by sending you information about your eligibility and giving you the opportunity to purchase credit for your withdrawn service.

If your previous membership was with another retirement system, please write to our Member & Employer Services Bureau. For reinstatement to Tier 1 or Tier 2, you must send us a completed Application to Reinstate a Former Tier 1 or 2 Membership (RS5506).

Payment for Service Credit

As a Tier 6 member, you will be required to pay for service currently not credited to you. There are two kinds of past service costs — mandatory and optional.

Mandatory costs are required for service you earned as a member but for which you made no (or insufficient) contributions. You are required to pay the cost for such service at the rate you would have been assessed had you made timely contributions plus any interest accrued. (See Contributing Toward Your Retirement.)

Example of Mandatory Past Service Costs:

You joined the Retirement System on May 14, 2012, but your employer did not begin taking contributions from your paycheck until July 1, 2012. You would then need to make payments for May 14th through June 30th plus any interest accrued.

Optional costs are payments you choose to make to purchase credit for a period of previous or military service. To receive credit for your previous or military service, you must pay 6 percent of the salary you earned during that time period. Once you have made payment and have accrued two years of service credit as a member, you can receive that credit. Before you purchase optional past service credit, you must pay for any outstanding mandatory costs.

Applying for Previous or Military Service Credit

To receive credit for any type of previous or military service, send a written request (which must be received before your effective date of retirement) to our Member & Employer Services Bureau. Please include as much information as you can about the period of employment for which you are seeking credit. We will determine your eligibility to receive the credit and any cost involved.

If you request credit for your previous public employment as early in your career as possible:

- The credit will be less expensive than if you wait to purchase it at a later date.
- Your retirement benefit will be processed more quickly because your service credit is in order.
- Records we need to verify your service will be more readily available.

If you are requesting previous service credit to establish eligibility for a vested retirement benefit, you should request credit while you are on the payroll of a participating employer. If you receive a statement of the cost after you leave the payroll, you must make payment within 30 days of notification. You can request credit for previous service after you leave the payroll, but you must pay the cost and return to the payroll of a participating employer for the service to be credited and for you to become vested.

If your purchased service brings your total credited service to ten or more years, you will be vested and no longer be eligible to withdraw your contributions and end your membership.

Additional Service Credit for Sick Leave (Section 41[j])

Section 41(j) of the Retirement and Social Security Law (RSSL) provides an optional sick leave benefit. If your employer has chosen to offer this benefit, you may receive service credit for your unused, unpaid sick leave days at retirement. To be eligible for this benefit, you must retire directly from public employment or within a year after separating from service. The maximum number of creditable sick leave days is generally 100, but can be 165 or 200 in certain cases. Contact your employer or refer to your Member Annual Statement to determine if this benefit is available to you.

Credit for your unused sick leave at retirement cannot be used to:

- Qualify for vesting. For example, if you have nine years and ten months of service credit and you need ten years to be vested, your sick leave credit cannot be used to reach the ten years.
- Qualify for a better retirement benefit calculation. For example, if you have 19¾ years of service credit but your pension will improve substantially if you have 20 years, your sick leave credit cannot be used to reach the 20 years.
- Increase your pension beyond the maximum amount payable under your retirement plan.
- Meet the service credit requirement to retire under a special 20- or 25-year plan.

Final Average Salary (FAS)

Your pension is based on your years of credited service and your final average salary (FAS). FAS is the average of the wages you earned during any five consecutive years of service when your earnings were highest. This is usually the last five years of employment.

If the earnings in any year included in the FAS period exceed the average of the previous four years of earnings by more than 10 percent, the amount in excess of 10 percent is excluded from the computation.

The calculation of your FAS can include, but is not limited to, the following types of payments. In some cases, certain restrictions may apply.

- Regular salary;
- Overtime up to the annual limit, if earned in the FAS period; *
- Holiday pay;
- Noncompensatory overtime earned in the FAS period; * and
- Longevity payments (maximum of five), if earned in the years used in the FAS calculation.

* Reportable payments for overtime cannot exceed $15,000 for fiscal year 2012-13. This limitation may be adjusted each fiscal year based on the CPI as of December 31st of the previous year.

The following types of payments are **not** considered regular compensation and will not be included in your FAS calculation:

- Lump sum vacation pay;
- Wages reported from more than two separate employers;
- Unused sick leave;
- Payments made as a result of working your vacation;
- Overtime payments that exceed the limitation;
- Any payments that cause your salary to exceed that of the Governor; *
- Any form of termination pay;
- Payments made in anticipation of retirement;
- Lump sum payments for deferred compensation; and
- Any payments made for time not worked.

* Currently $179,000 annually.

Service Retirement Benefit

Eligibility, the Benefit and Filing

Eligibility

You will be eligible for a service retirement benefit when you reach age 55 and have ten or more years of credited service. For the full retirement benefit, you must be 63 years old at retirement. You may retire as early as age 55, but you will receive a reduced benefit.

The Benefit

- If you retire with less than 20 years of service credit, your benefit will equal 1.66 percent of your FAS for each year of service credit.
- With 20 years of service credit, your benefit will equal 1.75 percent of your FAS for each year of service credit (35 percent of your FAS).
- If you retire with more than 20 years of service credit, you will receive an additional 2 percent of your FAS for each year of service credit in excess of 20 years.

Examples:

At age 63, with 19 years of service and an FAS of $35,000:

$35,000 × 1.66% × 19 years	=	$ 11,039	per year
		$ 920	per month

At age 63, with 20 years of service and an FAS of $35,000:

$35,000 × 1.75% × 20 years	=	$ 12,250	per year
		$ 1,021	per month

At age 63, with 32 years of service and an FAS of $35,000:

$35,000 × 1.75% × 20 years	=	$ 12,250	per year
		plus	
$35,000 × 2% × 12 years	=	$ 8,400	per year
		$ 20,650	per year
		$ 1,721	per month

Filing

Your Application for Service Retirement (RS6037) must be on file with the Office of the State Comptroller at least 15 days but not more than 90 days before the date on which your retirement will occur. The 15-day filing requirement is waived if you are over age 70 at retirement.

Retiring Before Age 63

If you retire between the ages of 55 and 63, your benefit will be reduced. The percentage of the benefit reduction is prorated based on your exact age at retirement.

Age at Retirement	Percentage of Reduction
55	52.0
56	45.5
57	39.0
58	32.5
59	26.0
60	19.5
61	13.0
62	6.5
63	0

It is important to know that once you retire with a reduced benefit, the reduction is permanent — it does not end when you turn 63.

Examples:

Retiring on your 55th birthday, with 19 years of service and an FAS of $35,000:

$35,000 × 1.66% × 19 years	=	$ 11,039	per year
		- 5,740	(52 percent benefit reduction)
		$ 5,299	per year
		$ 442	per month

Retiring on your 55th birthday, with 20 years of service and an FAS of $35,000:

$35,000 × 1.75% × 20 years	=	$ 12,250	
		- 6,370	(52 percent benefit reduction)
		$ 5,880	per year
		$ 490	per month

Retiring on your 55th birthday, with 32 years of service and an FAS of $35,000:

$35,000 × 1.75% × 20 years	=	$ 12,250	per year
		plus	
$35,000 × 2% × 12 years	=	$ 8,400	per year
		$ 20,650	per year
		- 10,738	(52 percent benefit reduction)
		$ 9,912	per year
		$ 826	per month

Choosing a Payment Option

RECEIVING YOUR BENEFIT AND FILING YOUR OPTION ELECTION

Receiving Your Benefit

At retirement, you must decide how you want your retirement benefit paid. You can choose from several options, all of which will provide you with a monthly benefit for life. For example, you may elect the Single Life Allowance, which provides the maximum amount payable during your lifetime, with nothing payable to a beneficiary upon your death. Or, you may elect to receive a smaller monthly benefit to provide for a possible payment to a designated beneficiary after your death.

Filing Your Option Election

You must file your Option Election form (unless notified otherwise, as in the case of disability retirement) before the first day of the month following your retirement date. You have up to 30 days after your pension benefit becomes payable to change your selection. If you are a disability retiree, you may change your option selection up to 30 days after your disability application is approved, or up to 30 days after your retirement date, whichever is later.

If your election is not timely, by law, we must process your retirement as if you had selected the Single Life Allowance (Option 0).

AVAILABLE OPTIONS

Single Life Allowance (Option 0)

This is the basic retirement benefit. It provides the maximum benefit payment to you each month for the rest of your life. Under this selection, all payments cease upon your death. When you die (even if it is only one year, or sooner, after retiring), nothing will be paid to any beneficiary.

Joint Allowance — Full*

This option will provide you with a reduced monthly benefit for your lifetime, and is based on your birth date and that of your beneficiary. After your death, your beneficiary will receive the same monthly amount (without COLA) for life. If your beneficiary dies before you, all benefit payments will cease upon your death.

Joint Allowance — Partial*

This option will provide you with a reduced monthly benefit for your lifetime, and is based on your birth date and that of your beneficiary. After your death, your beneficiary will receive a specific percentage of your benefit (without COLA) which you select (75, 50, or 25 percent) for life. If your beneficiary dies before you, all payments will cease upon your death.

Pop-Up/Joint Allowance — Full or Half*

These options will provide you with a reduced monthly benefit for your lifetime. If you die before your beneficiary, we will continue paying the same monthly amount or one-half that amount (without COLA), depending on which option you elect, to your beneficiary for life. If your beneficiary dies first, your benefit will be increased to the amount you would have received if you had selected the Single Life Allowance at retirement, and all payments will cease upon your death.

Five Year Certain and Ten Year Certain

These options will provide you with a reduced monthly benefit for your lifetime, with the additional guarantee that if you live for less than five years or ten years after retirement, depending upon which option you elect, payments in the same amount you were receiving (without COLA) will be made to your beneficiary for the balance of the five- or ten-year period. You may change your beneficiary within the five- or ten-year period.

Alternative Options

If the options described here do not meet your needs, we will consider written requests for other payment methods. These requests must be outlined in detail by you and then approved by us for legal and actuarial soundness.

* If you elect this option, you must submit proof of your beneficiary's birth date. You can designate only one beneficiary and you cannot change your designation after your retirement. If your beneficiary is your spouse at the time of your death, he or she will be eligible for 50 percent of your COLA.

Items That May Affect Your Pension

Borrowing Against Your Contributions

If you meet eligibility requirements, you may take a loan from the Retirement System.

Before you apply, you should be aware of the federal tax laws pertaining to Retirement System loans. **Your loan will be taxable if:**

- The loan amount exceeds federal limits.
- You have a loan with a deferred compensation (457) or tax-sheltered annuity (403-b) plan through your current employer that causes your loan to exceed the federal limits for nontaxable loans. Exceeding these limits could result in significant tax consequences for you.
- You do not make the required payments on your loan at least once every three months or do not complete payment within five years from the date the loan was issued.
- You retire or withdraw from the Retirement System and have one or more outstanding loan balances.

If your loan is taxable, or becomes taxable as described above, you must include it on your federal income tax return for the year the loan is granted or becomes taxable. If you are under 59½ at the time, you may be required to pay a 10 percent penalty tax in addition to any ordinary federal income tax you owe. Please consider consulting a tax advisor before applying for a taxable loan from the Retirement System.

The following rules apply when borrowing against your contributions:

- You must be in active service and have one year of member service credit.
- Each loan must be for a minimum of $1,000, so you must have an account balance of at least $1,334. The total of all your loans may not be more than 75 percent of your contribution balance.
- You repay each outstanding loan through payroll deductions in an amount sufficient to repay the loan, interest and insurance premium within five years. The minimum deduction to repay your outstanding loan balances must be at least 2 percent of your salary.
- You may borrow only once in any 12-month period.
- Prior to retirement, and 30 days after issuance, loans are fully insured in case you die before repaying them.

Please note: Any outstanding loan balance when you retire will permanently reduce your pension. You cannot pay off your loan once you retire. The amount of your pension reduction will be based on your age, the loan balance at retirement, and type of retirement (service or disability).

These are examples of how your service retirement benefit will be permanently reduced by an outstanding loan balance at retirement. The approximate reductions are for calendar year 2012. The amount of the reduction changes annually.

Age at Retirement	Outstanding Loan Balance	Annual Pension Reduction
55	$ 5,000	$ 271
	$ 10,000	$ 542
62	$ 5,000	$ 317
	$ 10,000	$ 633
65	$ 5,000	$ 343
	$ 10,000	$ 686
70	$ 5,000	$ 400
	$ 10,000	$ 801

If you already have an outstanding Retirement System loan and want to take a new loan, please contact our Call Center and connect with our automated information line to determine if refinancing your current loan or carrying multiple loans would be better for you. Although your payment may be larger if you choose multiple loans, you may reduce or eliminate your tax liability.

Cost-of-Living Adjustment

Once you meet the eligibility requirements, including age and number of years retired, your retirement benefit will permanently increase each year. This adjustment, subject to pension caps and limitations, is 50 percent of the previous year's annual rate of inflation, but never less than 1 percent or more than 3 percent of your benefit. The adjustment percentage is applied only to the first $18,000 of your Single Life Allowance, even if you selected a different option at retirement.

You will begin receiving cost-of-living adjustments (COLAs) when you are:

- Age 62 or older and retired for five or more years;
- Age 55 or older and retired for ten or more years (generally applies to members in special plans that allow for retirement, regardless of age, after a specific number of years); or
- Receiving a disability pension for five or more years.

When you die, if you selected an option that pays a lifetime benefit to your beneficiary, and the beneficiary is your spouse at the time of death, he or she will be eligible to receive half of the COLA amount you would have been entitled to receive.

Divorce

The New York State Court of Appeals has determined that retirement benefits are marital property and subject to equitable distribution. "Equitable distribution" is the division of marital assets between spouses after the marriage has ended. This division must be stated in the form of a Domestic Relations Order (DRO) if we are to pay a portion of your pension to your ex-spouse.

A DRO gives us specific direction on how your retirement benefits should be divided. However, it does not allow for a distribution of your pension until you actually retire, die or terminate membership.

If you are divorced, it is especially important to review your beneficiary designations to ensure your benefits will be distributed according to your wishes. Effective July 7, 2008, beneficiary designations for certain benefits are revoked when a divorce, annulment or judicial separation becomes final. An exception applies if the terms of a DRO specify otherwise. Beneficiary designations may be revoked for the Ordinary Death Benefit, Cash Refund Initial Value option (Tier 1), Cash Refund Contributions option (Tiers 1 and 2) and Five and Ten Year Certain options. Survivor Benefit beneficiaries for retirees who chose the Single Life Allowance option or certain alternative options may also be revoked.

For more information on how your pension benefits may be affected by divorce, consult your attorney, contact our Matrimonial Bureau, read our guide to Domestic Relations Orders and review our Divorce FAQs.

Vested Retirement Benefit

Eligibility

You are eligible for a vested retirement benefit if you leave public employment before age 55 and you have ten or more years of credited service. This means that when you reach age 55, you will be entitled to a pension based on your service and the salary earned when you were an active member.

Your full vested benefit is payable at age 63, but you can choose to retire as early as age 55. However, if you choose to retire prior to 63, your benefit will be permanently reduced.

Your Vested Benefit

This benefit is calculated the same way as your service retirement benefit. However, it cannot be less than the value of your accumulated contributions with interest. For an explanation of your benefit, please refer to the Service Retirement Benefit section.

The vested retirement benefit is payable for your lifetime. You may elect one of several payment options to provide for a continuing payment to a designated beneficiary of your choosing after your death.

Filing

To receive your vested pension at the earliest possible date, file a retirement application no earlier than 90 days before your 55th birthday. If we receive your retirement application after your 55th birthday, your vested retirement is effective the date the application is received.

Remember, it is up to you to file a retirement application when you become eligible and wish to receive your benefit.

Disability Retirement Benefits

Article 15 Disability Benefit

If you become unable to perform your duties because of a permanent physical or mental incapacity, you may be eligible for a disability retirement benefit. If you are eligible, applications for disability and regular service retirement benefits may be submitted simultaneously.

You must select an option for the payment of your disability benefit.

Eligibility

To qualify for this disability retirement benefit, you must have at least ten years of credited service, unless your disability results from an accident you sustain on the job. If your disability results from an on-the-job accident, not due to your own negligence, there is no minimum service requirement.

The Benefit

If approved, this is a benefit equal to the greater of:

- 1.66 percent of your FAS for each year of credited service; or
- 1.66 percent of your FAS for each year of credited service, plus 1.66 percent of your FAS for each year of service you might have earned before age 60, but not more than one-third of your FAS.

Example:

Member is age 57 with 19 years of service
Three possible years of additional service to age 60
FAS = $30,000

$30,000 × 1.66% × 19 years	=	$ 9,462
or		
$30,000 × 1.66% × 22 years (19 years + 3 additional)	=	$ 10,956
Maximum benefit = 1/3 of FAS: 1/3 × $30,000	=	$ 10,000
Benefit payable is		**$ 10,000**

Example:

Member is age 57 with 12 years of service

Three possible additional years of service to age 60

FAS = $30,000

$30,000 × 1.66% × 15 years (12 years + 3 additional)	=	$ 7,470
Maximum benefit = 1/3 of FAS: 1/3 × $30,000	=	$ 10,000
Benefit payable is		**$ 7,470**

If your disability is a result of an on-the-job accident, the benefit payable is at least one-third of your FAS.

If you are 60 or older at the effective date of your disability retirement and you have less than 20 years of credited service, your disability benefit would be equal to the benefit payable to you at the normal retirement age of 63, not to exceed one-third of your FAS.

If you are 60 or older at the effective date of your disability retirement and you have 20 or more years of credited service, your disability benefit would be equal to 1.66 percent of your FAS for each year of credited service.

Filing

You, your employer, or someone authorized with your power of attorney may file your Article 15 Disability Retirement Application (RS6340). The application must be filed while you are still on the payroll or within:

- Three months of the last date you were paid on the payroll; or
- Twelve months after receiving notification of termination of employment, provided you were on an authorized medical leave of absence or receiving Workers' Compensation or other similar employer-funded benefits.

Death Benefits

Ordinary Death Benefit – Eligibility and Filing

Your beneficiary may be entitled to an ordinary death benefit if you meet the eligibility requirements and your death is not attributable to an on-the-job accident. The first $50,000 of this benefit is paid in the form of group term life insurance, which is currently exempt from federal income tax. Your accumulated contributions are also payable to your beneficiary.

Eligibility

An ordinary death benefit may be payable to your designated beneficiary if you have completed at least one year of service since last joining the Retirement System and your death occurs:

- While you are on the payroll;
- While you are on an authorized medical leave of absence (with or without pay);
- While you are receiving Workers' Compensation or other employer-funded benefits, for up to two years (which may be extended for an additional two years) following the last date you were paid on the payroll, provided your employment has not been terminated by resignation, employer action or any other means while receiving those benefits; or
- Within 12 months of the last date you were receiving salary, on an authorized medical leave of absence, or receiving Workers' Compensation or other employer-funded benefits, provided you were not otherwise gainfully employed during that period.

Filing

Your family or employer should notify us of your death as soon as possible so we can send the appropriate forms to your beneficiary.

Ordinary Death Benefit

Prior to Retirement

The death benefit is equal to your salary multiplied by your years of service, not to exceed three years of salary. For example, if you die after one year of service, your beneficiary would receive a benefit equal to one year of your salary; if you die after two years of service, your beneficiary would receive a benefit equal to two years of your salary; and if you die after three or more years of service, your beneficiary would receive a benefit equal to three years of your salary. The salary is limited by Section 130 of the Civil Service Law.

The following types of payments are not considered regular compensation and will not be included in the calculation:

- Wages reported from more than two separate concurrent employers;
- Overtime payments which exceed the limitation;
- Any payments which cause your salary to exceed that of the Governor;
- Payments made as a result of working your vacation; and
- Any payments made for time not worked.

Example:

$30,000 earned in last year

After 1 year of service = $30,000
After 2 years of service = $60,000
After 3 or more years of service = $90,000

For members working beyond age 60, the death benefit that would have been payable if you died at age 60 will be reduced by 4 percent each year that you stay in public employment, for a maximum of a 40 percent reduction.

Using the Example Above:

At age 60, a member was eligible for a $90,000 death benefit. If the member dies while still employed, his or her beneficiary would receive:

Age	Maximum Percent Payable	Death Benefit Payable
60	100	$90,000
61	96	$86,400
62	92	$82,800
63	88	$79,200
64	84	$75,600
65	80	$72,000
66	76	$68,400
67	72	$64,800
68	68	$61,200
69	64	$57,600
70 & older	60	$54,000

Post-Retirement and Out-of-Service Death Benefits

After Retirement

Your beneficiary may be eligibile to receive a post-retirement death benefit if you:

- Retire directly from service; or
- Are a vested member and your date of retirement is within one year of leaving public employment in New York State.

The post-retirement death benefit is calculated at your retirement. During your first year of retirement, the benefit is 50 percent of the ordinary death benefit payable at retirement; during your second year of retirement, the benefit is 25 percent. During your third year and thereafter, the benefit will be 10 percent of the ordinary death benefit that would have been payable at age 60, if any, or at retirement, whichever was earlier.

Example:

Retirement at age 63 with a salary of $30,000

$30,000 × 3 =	$ 90,000
Reduction for working until age 63:	– 10,800
Ordinary Death Benefit at Retirement:	$ 79,200
• 1st year of retirement (50 percent of ordinary death benefit):	$ 39,600
• 2nd year of retirement (25 percent of ordinary death benefit):	$ 19,800
• After 2nd year of retirement (10 percent of benefit at age 60):	$ 9,000

Out-of-Service Death Benefit

If you are a vested member with at least ten years of credited service, have not retired and you die more than one year after leaving public employment, 50 percent of the death benefit may still be payable. This vested benefit is also payable if you die within one year of leaving covered service, but were gainfully employed during that time.

Filing

Your family or employer should notify us of your death as soon as possible so we can send the appropriate forms to your beneficiary.

Accidental Death Benefit

Eligibility

Regardless of your years of service credit, if you die as the natural and proximate result of an on-the-job accident, not due to your own willful negligence, an accidental death benefit may be payable on your behalf.

The Benefit

The accidental death benefit is a pension equal to one-half (50 percent) of your wages during your last year of active service and is paid to your beneficiaries* in this order:

- To your surviving spouse, provided he/she has not renounced survivorship rights in a separation agreement, until remarriage;
- To your surviving children, until they reach age 25;
- To your dependent parent or parents, as determined under regulations established by the Comptroller; or
- To any other person who qualified as a dependent on your final federal income tax return for the year preceding death, until that person reaches age 21.

The benefit will be divided equally among the beneficiaries in any one category if you have more than one child, parent or other dependent.

If all the beneficiaries listed above become ineligible for benefit payments, and the payments made to that time do not equal or exceed the amount of the ordinary death benefit that would have been payable at the time of death, we will pay the difference to the last eligible beneficiary or beneficiaries. If none exist, the benefit will be paid to the executors of your will, or the persons who would be the executors if you die without making a will.

Filing

Your family should notify us of your death as soon as possible so we can forward the appropriate forms to your beneficiary. The application for the accidental death benefit must be filed within 60 days of your date of death. The head of the Retirement System may accept an application after 60 days, but only if an ordinary death benefit has not been paid.

* All beneficiaries would be eligible for annual COLAs after receiving the accidental death benefit for five years.

Receiving Your Benefits

Applying for Benefits

To apply for all Retirement System benefits, you must file the appropriate application form with the Office of the State Comptroller in a timely manner. Forms are available from our website, our Call Center or your employer. Specific filing instructions are detailed in each benefit description. If you need help, you can call or write us, or make an appointment to speak with an Information Representative at one of our 16 consultation sites throughout New York State.

Filing With the Office of the State Comptroller

Many retirement benefit applications and other documents are required by law to be filed with the Office of the State Comptroller within specific time limits. For a form to be considered as "filed with the Comptroller," it must be received by one of our consultation sites, or another office of the State Comptroller. **Giving your employer the form does not mean that you have "filed with the Comptroller."**

As an alternative to visiting our offices to file these time-sensitive documents personally, you can fulfill the filing requirements by mailing the document to us. We will consider it filed when it is delivered to us by the Post Office. If you are concerned about meeting a filing deadline, you can mail the document via "Certified Mail — Return Receipt Requested." When we receive the document, it will be considered as having been filed on the same date it was mailed.

To meet a filing deadline (such as an application for retirement benefits or an option election form), you can also send the document to us via fax. Although we will consider the form as filed on the date the transmission is received, you must still mail us the original document to continue the process and properly complete the filing requirement.

Filing Multiple Applications

Should you become ill or disabled and unable to perform your duties, depending on the circumstances, you may be eligible to file applications "without prejudice" for disability and regular service retirement benefits simultaneously. "Filed without prejudice" means we will process all filed applications and, if more than one benefit is approved, you will be given the opportunity to choose your pension from the approved benefits.

Challenging a Determination

We can pay only those benefits authorized by law, and cannot pay you any benefits if you do not meet all the eligibility requirements established by law. If you believe that your benefit has been incorrectly denied or improperly calculated, you may request a hearing and redetermination to be held before a hearing officer.

Your request must be in writing and filed with the Hearing Administration Bureau within four months of the determination. We will send you an acknowledgment letter along with an explanation of the hearing process when we receive your written request. If you have questions regarding the hearing process, please review our Administrative Hearing FAQs, email the Hearing Administration Bureau at Hearings@osc.state.ny.us or call us at 1-866-805-0990 or 518-474-7736 in the Albany, New York area.

How to Stay Informed

Your retirement benefits are an important part of a solid financial plan. They can help you and your beneficiaries achieve financial security in retirement or in the event of disability or death. Use these tips to help you understand your benefits and stay informed.

- Enroll in *Retirement Online*, and access your personal retirement-related information quickly, easily and securely on our website.
- Sign up for *E-News*, our free email newsletter, for the latest retirement news. It includes a special section dedicated to pre-retirement planning.
- Read the member newsletters we publish for current retirement information and updates on your benefits.
- Review your Member Annual Statement carefully and correct any errors quickly.
- Visit our website frequently to learn about your benefits, download forms, read informative booklets and brochures, and get tips on preparing for retirement.
- Attend a pre-retirement presentation to learn about the retirement process, know what you can expect and discuss post-retirement issues. At your employer's request, we offer these presentations designed for members within five years of retirement eligibility.
- Make an appointment to visit any of our 16 consultation sites where you can meet with an Information Representative to discuss special concerns or request specific information.
- Notify us if your mailing address changes, so you can stay up-to-date about benefits. This is especially important if you leave public employment before you are eligible to retire.
- Contact us with any questions you have about your benefits.

About This Presentation

This retirement plan summary describes the benefits available to Tier 6 Employees' Retirement System members covered by the Coordinated Retirement Plans (Article 15) of the New York State Retirement and Social Security Law (RSSL) as enacted by the New York State Legislature and amended by Chapter 18, Laws of 2012.

Throughout this publication, you will find references to "Sections" and "Articles" that refer to the RSSL. The New York State and Local Retirement System, headed by the Comptroller of the State of New York, administers this plan. Our main office is in Albany, New York.

This publication is a general summary of membership benefits, rights and responsibilities, and is not a substitute for any New York State or federal law. For specific information about your benefits, please contact us.

VO1530
Content Revised: 7/12