



# **2024 All Fund Policies**

**Cash Receipts:**

Executive Director Signature: <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 3	Appendix Pages: N/A
Related Laws: State Finance Law §1206	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: Parts 14.3 through 14.6 and 16.9 of the New York State Comptroller's Rules and Regulations	Standards (): X		
Regulatory Bulletins & Directives: Section 4.0000 of the Comptroller's Accounting System User Procedures Manual	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: Collections Policy	Related Forms: N/A		
Supersedes: Cash Receipts Policy			
Summary: The Agriculture and Horse Breeding Development Fund (Fund) shall ensure that all cash received by the Fund is properly recorded and deposited.			

**I. DEFINITION(S)**

N/A

## II. POLICY

The Fund encourages payments and receipts to be sent by mail.

## III. PROCEDURE(S)

### Receiving Payments and Receipts by Mail:

- Fund employee "A" or a Third Party Administrator is designated to open all mail and immediately restrictively endorse each receipt "for deposit only to the Agriculture and New York State Horse Breeding Development Fund."
- These receipts shall then be turned over to Fund employee "B" or a Third Party Administrator who shall then make up a deposit ticket and, as soon as practical, record the deposits into a deposit log that lists all checks deposited daily. The horseman's payments are processed in cash report batches.
- The daily deposits are then returned to Fund employee "A" or a Third Party Administrator who checks the actual deposit against the deposit log. All receipts are deposited into the Fund's bank account.

### Depositing Payments and Receipts:

- All cash receipts must be deposited promptly. Every effort should be made to make deposits daily, or as soon as practical after they are processed.
- Each deposit shall include all monies collected since the previous deposit and in the same form as originally received. Personal checks are not to be "cashed" out of receipts.
- Deposit slips shall be prepared in duplicate; one copy to be retained by the bank and the other copy returned to the Fund's office to the employee responsible for the bookkeeping.
- Adequate protection of the receipts that have **not** been processed and deposited must be provided. These receipts shall be stored in a locked safe that is accessible only to the properly authorized employees.

### Bank Accounts and Authorization:

- Cash receipts are to be deposited in one or more authorized bank accounts only.
- Authorization for establishing bank accounts, bank collateral requirements, Fund reporting requirements for the accounts and other matters pertaining to Fund bank accounts are set forth in Section 1206 of the State Finance Law, Parts 14.3 through 14.6 and 16.9 of the State Comptroller's Rules and Regulations and Section 4.0000 of the Comptroller's Accounting System User Procedures Manual.
- Strict control over the establishment of bank accounts must be exercised to prevent the diversion of agency funds to unauthorized bank accounts. Banks must be instructed not to cash checks payable to the agency, but to accept them only for deposit to official accounts.

### Executive Director:

- The Executive Director will examine the monthly bank statement to determine that only authorized checks have been handled by the bank. The Executive Director shall supervise the reconciliation of the bank statement and determine that all deposits and disbursements are legitimate.

### Checks Returned:

- On occasion, checks may be returned by the bank as uncollectible after they have been deposited. When this occurs, the reason why the check is not collectible must be noted and the maker contacted to effect its collection by the Executive Director with a Third Party Administrator. The recommended remittance at this point will be either money order or a bank check.

Adjusting Entries:

- An adjusting entry decreasing cash receipts by the amount of the check will be made in the cash receipts journal and the amount posted to an accounts receivable account to control the subsequent collection and deposit of such items.
- When the amount of a returned check is collected from the maker, the collection must be recorded in the cash receipts journal and this entry cross referenced to the corresponding adjustment entry made when the check was returned by the bank; that is, accounts receivable must be decreased.
- The redeposit of a returned check must not be made as part of a deposit of current receipts. A separate deposit ticket must be used when such items are collected in a cash equivalent form as noted in the paragraph, above. This will cause the check to appear on the bank statement as a separate item which will facilitate tracing return deposit items when the bank reconciliation is conducted.

**IV. APPENDIX**

N/A

**Collections:**

Executive Director Signature: <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 2	Appendix Pages: N/A
Related Laws: N/A	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: N/A	Standards (): X		
Regulatory Bulletins & Directives: N/A	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: Cash Receipts	Related Forms: N/A		
Supersedes: Collection Policy and Procedure			
Summary: The Agriculture and Horse Breeding Development Fund (Fund) shall diligently and legally collect money owed to the Fund.			

**I. DEFINITION(S)**

N/A

## II. POLICY

Fund staff may utilize any legal collection method that staff deems appropriate given the circumstances of each specific collection. However, once monies are collected on an account, said monies must be handled in accordance with the **Cash Receipts Policy** of the Fund.

The Fund receives legislatively mandated remittances from New York State licensed pari-mutuel harness tracks and regional Off-Track Betting (OTB) corporations in New York State. The Fund also receives, on an irregular basis, remittances from the video gaming machine (VGM) parlors at the licensed harness tracks; approximately 1.25% of the “net win” or “net hold” of the gaming parlors commonly referred to as “racinos.”

## III. PROCEDURE(S)

### Monthly Financial Statements:

- The Fund’s current collection procedure begins with the completion of the monthly financial statement, received by the first week of the succeeding month.
- In conjunction with the monthly financial statement by the bookkeeper prints out a remittances due schedule.
- Remitters are then classified into three categories: 30-60 days, 60-90 days, and over 90 days.
- The Executive Director telephones remitters in the 60-90 day category to request payment.

### Division of Lottery:

- The Division of Lottery emails and updated file weekly that includes all the racino VGM data.
- Staff uses this data to analyze the VGM remittances it receives from the tracks.
  - This information helps the Fund determine if the remittances are correct. As stated above, racinos are not legislatively bound to remit this amount but they have been doing so and most tracks within 60 days.

## IV. APPENDIX

N/A

**Credit Cards:**

Executive Director Signature: <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 2	Appendix Pages: N/A
Related Laws: N/A	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: N/A	Standards (): X		
Regulatory Bulletins & Directives: N/A	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: Travel Policy	Related Forms: N/A		
Supersedes: Credit Card Policy			
Summary: The Agriculture and Horse Breeding Development Fund (Fund) permits a Fund credit card to be used only by staff members authorized by the Executive Director and for the Fund credit card's intended purposes.			

**I. DEFINITION(S)**

N/A

Fund Policy & Procedures	Credit Cards
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## II. POLICY

The Fund shall use a New York State recommended credit card account that has a purchase card and a travel card. Use of the Fund's credit cards shall facilitate the travel procurement process, particularly for car rentals; and shall also facilitate procurement of travel related services at New York State rates and authenticates exemption from sales tax. The use of the Fund's credits cards allows for creation of reliable and accurate procurement records.

Fund credit cards are for official business only. No Fund credit card shall be used for personal purchases.

## III. PROCEDURE(S)

### Executive Director:

- The Executive Director shall review credit card statements.
- Sales invoices shall be brought to the Fund office and filed in the appropriate file to await correlation with the monthly statements.
- Statements will be matched to the corresponding invoices immediately upon receipt for verification that items billed are correct.

### Chairperson of the Board:

- The monthly statement shall also be reviewed by the Chairperson of the Board.

## IV. APPENDIX

N/A



**Disposal of Property:**

Executive Director Signature: <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 2	Appendix Pages: N/A
Related Laws: Public Authorities Law §2895-2897	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: N/A	Standards ():  X		
Regulatory Bulletins & Directives: N/A	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: N/A	Related Forms: N/A		
Supersedes: Guidelines, Policy and Procedure for Disposal of Property			
Summary: The Agriculture and Horse Breeding Development Fund (Fund) shall follow the below guidelines for disposal of property pursuant to Public Authorities Law.			

**I. DEFINITION(S)**

N/A

## II. POLICY

The below guidelines are created pursuant to Public Authorities Law. These guidelines shall be reviewed annually and approved by the Board, pursuant to Public Authorities Law §2896. The Executive Director shall be responsible for developing and adhering to these guidelines.

The Fund owns no real property, nor does it expect to own such property.

The Fund will make all reasonable attempts to recycle assets, if applicable/possible, and will coordinate such efforts with its landlord.

It is the Fund's policy that no items, even if they have no residual value, will be made available/sold to Fund staff or management.

## III. PROCEDURE(S)

### Disposal:

- Most of the assets of the Fund will be disposed upon either being obsolete or no longer being functional. The value of such assets is expected to be zero, or insignificant assets that are tracked via inventory control number will have the inventory document modified to reflect the status, to include disposal.
- Certain items may require special disposal or recycling requirements. The Fund shall determine which assets fall under this category and make disposal subject to current requirements/directives for the appropriate State Control Agency.

## IV. APPENDIX

N/A

**Equipment Control:**

Executive Director Signature: <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 2	Appendix Pages: N/A
Related Laws: N/A	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: N/A	Standards (): X		
Regulatory Bulletins & Directives: N/A	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: N/A	Related Forms: N/A		
Supersedes: Equipment Control Policy			
Summary: The Agriculture and New York State Horse Breeding Development Fund (Fund) Executive Director shall be the Equipment Property Manager and the Fund shall maintain equipment inventory.			

**I. DEFINITION(S)**

N/A

Fund Policy & Procedures	Equipment Control
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## II. POLICY

The Fund's Executive Director shall be the official Equipment Property Manager. All employees located within the office share the duties of maintaining control of all Fund equipment.

All equipment shall be identified by an inventory number affixed to each piece.

No equipment shall be allowed to leave the office without the user signing a sign-out pass.

## III. PROCEDURE(S)

### Equipment Inventory Log:

- An equipment inventory log shall be maintained and updated as acquisition and disposal require.
- Equipment should be inventoried at least annually.

### Transferring and Disposal of Equipment:

- No equipment shall be personally transferred or disposed of without written approval of the Executive Director.

## IV. APPENDIX

N/A

**Gender-Based Violence and the Workplace Policy:**

Executive Director's Signature <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 13	Appendix Pages: N/A
Related Laws: Executive Order No. 17 (Gov. Hochul); NYS Human Rights Law (Executive Law § 292(34); Executive Law § 296(22)); NYS Insurance Law § 2612; NYS Labor Law § 196-b(4)(a)(iii); NYS Labor Law § 593(1)(b)(i); NYS Penal Law § 215.14; NYS Social Services Law § 459-a	Division/Office: Administration	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations:	Standards ():  N/A		
Regulatory Bulletins & Directives: Equal Employment Opportunity in New York State, Rights and Responsibilities: A Handbook for Employees of New York State Agencies; Shared Services Agreement, 2024	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies: Workplace Violence Prevention; Policy Regarding Sexual Harassment	Related Forms: N/A		
Supersedes: Policy Regarding Sexual Harassment			
Summary: The purpose of this policy is to identify and prescribe Agriculture and New York State Horse Breeding Development Fund practices that will respond effectively to employees' needs as victims of domestic and gender-based violence and promote safety in the workplace.			

**BACKGROUND**

Executive Order No. 17 (Gov. Hochul) requires state agencies to formulate and issue a Gender-Based Violence and the Workplace Policy no later than January 1, 2023. In accordance with Executive Order No. 17, "state agency" or "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 corporation.

The Fund, to the fullest extent possible, without violating any existing rules, regulations, statutory requirements, contractual obligations, or collective bargaining agreements, will designate and direct appropriate management, supervisory, and/or human resources staff to implement this Gender-Based Violence and the Workplace Policy.

**POLICY**

Domestic violence and other forms of gender-based violence permeate the lives and harm thousands of New Yorkers each day, with tragic, destructive, and often fatal results. The impacts of such violence are felt in the workplace, regardless of where the incidents are taking place, and have the potential to compromise the safety of victims, co-workers, and clients, while resulting in lost productivity, increased health care costs, absenteeism, and employee turnover. Employers have both a moral and legal obligation to their employees who may be experiencing victimization.

New York State law recognizes that domestic and gender-based violence occurs within a wide spectrum of relationships, therefore the Fund will take every appropriate measure to prevent and/or address domestic and gender-based violence as it impacts the workplace, while also recognizing the rights of victims to have self-determination and the need to respond in a survivor-centered, trauma-informed, and culturally responsive manner. All valid orders of protection shall be enforced by the Fund and all protections of this policy shall apply. This policy shall apply to all victims of gender-based violence, regardless of where the incidents took place.

**DEFINITIONS****Domestic Violence:**

A pattern of coercive behavior, including acts or threatened acts, that is used by a perpetrator to gain power and control over a victim, as defined in New York State Social Service Law § 459-a, including, but not limited to physical, sexual, psychological, economic, and/or emotional abuse; or the threat of any/all of the aforementioned acts.

**Domestic Violence Agency Liaison (DVAL):**

A designated employee(s) of the Gaming Commission who has been trained by the Office for the Prevention of Domestic Violence (OPDV) to assist victimized employees; who ensure Fund compliance with the Gender-Based Violence and the Workplace Policy; and who serves as the primary contact for OPDV. The Fund uses the Gaming Commission's DVAL through the Shared Services Agreement.

**Gender-Based Violence:**

Violence or threats that happen because of someone's sex, gender, sexual orientation, gender identity or expression, or other related characteristics. Gender-based violence is an umbrella term

that includes domestic violence, sex-based discrimination, sexual harassment, sexual assault, and sexual violence, and can also include stalking or human trafficking.

Order of Protection (OP) (Commonly referred to as “Restraining Order” or “Stay-Away Order”):

An order issued by any court to limit the behavior of someone who harms or threatens to harm another person. Orders of protection may direct the offending party not to injure, threaten, or harass the victim, their family, or any other person(s) listed in the order and may include, but are not limited to ordering him/her/them to stay away from the home, school, business, or place of employment of the victim; vacate a shared residence; abide by any active orders of custody and visitation; and surrender any firearms.

Perpetrator or abusive partner or person who causes harm:

A person who commits or threatens to commit coercive or violence acts, which may include, but is not limited to, physical, psychological, sexual, economic, and/or emotional abuse against a victim.

Sexual Harassment:

Consistent with the New York State Human Rights Law, unwelcome conduct that is either of a sexual nature, or that is directed at an individual because of that individual’s sex when:

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

Victim of domestic violence (New York State Social Services Law § 459-a):

1. Any person over the age of 16, any married person, or any parent accompanied by his or her minor child or children in situations in which such person or such person’s child is a victim of an act that would constitute a violation of the penal law, including, but not limited to, acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation, identity theft, grand larceny, or coercion; and
  - a. Such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person’s child; and
  - b. Such act or acts are or are alleged to have been committed by a family or household member.
2. “Family or household members” mean the following individuals:
  - a. persons related by consanguinity or affinity (blood or a person’s relation to blood relatives of their spouse);
  - b. persons legally married to one another;
  - c. persons formerly married to one another regardless of whether they still reside in the same household;
  - d. persons who have a child in common regardless of whether such persons are married or have married or have lived together at any time;
  - e. unrelated persons who are continually or at regular intervals living in the same household or who in the past continually or at regular intervals lived in the same household;
  - f. persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an

“intimate relationship” include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship”; or

- g. any other category of individuals deemed to be a victim of domestic violence as defined by the Office of Children and Family Services in regulation.

3. “Parent” means a natural or adoptive parent or any individual lawfully charged with a minor child’s care or custody.

#### Workplace:

For the purposes of this policy, any permanent or temporary location away from an employee’s domicile where an employee performs any work-related duty in the course of employment.

#### Persons covered by this policy:

This policy extends to all full, part-time, and temporary employees, volunteers, and interns engaged by the Fund in any official workplace capacity. Whenever possible, this policy shall be extended to consultants, contractors, and other on-site providers.

#### **STATEMENT OF CONFIDENTIALITY:**

The Fund recognizes and respects the employee’s right to privacy and confidentiality. All information, including employee disclosures about victimization, shall be kept confidential to the extent permitted by law and Fund policy without the employee’s written informed consent, unless doing so creates a substantial risk of imminent danger to the victimized employee, other employees, or worksite. Should that circumstance occur, the victimized employee will be given notice of what actions the Fund will take, and information will be given to only those employees deemed necessary for securing the safety of the victim, other employees, or worksite. The information given to those employees will be as limited in scope as possible and employees may be required to sign an acknowledgement of confidentiality stating that any information they have been given regarding the victimized employee must be used only for the intended purpose.

#### **ROLES AND RESPONSIBILITIES:**

##### Fund:

- The Fund shall use the Gaming Commission’s Domestic Violence Agency Liaison (DVAL) as the Fund’s DVAL through the Shared Services Agreement. Where possible, the DVAL shall be an employee with advocacy, social work, or counseling experience. Employees who work as Employee Assistance Program (EAP) Coordinators shall not be designated as the DVAL.
- The Fund shall communicate the current contact information for the DVAL to OPDV by emailing [workplace@opdv.ny.gov](mailto:workplace@opdv.ny.gov). The Fund shall update this information within two weeks of any change in such information. The DVAL for the Fund is the Director of Human Resources of the Gaming Commission through the Shared Services Agreement. Posters that include the DVAL’s name, email, phone number, and location will be distributed.
- Employee Awareness: shall be accomplished in conjunction with the Gaming Commission through the Shared Services Agreement.
  - The Fund will increase awareness around domestic and gender-based violence and create an informed workforce regarding available sources of assistance for those experiencing domestic or gender-based violence.
  - The Fund will increase awareness around possible disciplinary practices that may be implemented in the event of retaliation or used with employees who perpetrate acts of domestic or gender-based violence.
  - This policy shall be included as part of the written materials that are provided to all



new employees. The Fund shall provide this policy to all employees annually, which may be accomplished by reminding employees of an electronic link to the policy.

- A detailed explanation of employee's rights under this policy shall be given during new employee orientation, including information for contacting the DVAL.
- If the Fund suspects that an employee is a victim of domestic and gender-based violence but the employee has not disclosed victimization, the Fund shall refer the employee to:
  - the DVAL,
  - EAP,
  - The NYS Domestic and Sexual Violence Hotline (or the statewide hotline for workplace sexual harassment, as may be appropriate), and
  - any local programs serving victims of domestic and sexual violence.
- The Fund shall post information on domestic and gender-based violence as outlined below, this Policy, and any additional available resources at the Fund workplace. This information shall be posted in such places where employees are able to use the information without having to request it or be seen removing it. Such places may include: Commission intranet, employee newsletters, all restrooms, kitchen and lounge areas, and any other frequently trafficked areas. Information shall include sources of assistance, contact information for the DVAL, Employee Assistance Program information, Human Resources staff, the NYS Domestic and Sexual Violence Hotline Number (1-800-942-6906), Chat and Text Line (1-844-997-2121), and contact information for local domestic violence programs.
- Referrals must be offered to anyone who discloses that the person is a victim of domestic or gender-based violence, as follows to:
  - the DVAL,
  - EAP,
  - the NYS Domestic and Sexual Violence Hotline (or the statewide hotline for workplace sexual harassment, as may be appropriate), and
  - any local programs serving victims of domestic and sexual violence.
- Additional referrals shall be made to the appropriate resources to best meet the employee's needs.
- The Fund will consider conducting programs and activities throughout the year in conjunction with the Gaming Commission through the Shared Services Agreement, to increase awareness about domestic and gender-based violence such as:
  - supply drives for local domestic and gender-based violence programs,
  - brown-bag lunch discussions; and
  - presentations by local domestic and gender-based violence programs, the DVALS, or OPDV.

#### Domestic Violence Agency Liaisons (DVALs):

- The DVAL's responsibilities include:
  - Ensure Fund-wide implementation of, and compliance with, this Gender-Based Violence and the Workplace policy.
  - Ensure victimized employees are aware of and understand this policy and their rights.
  - Upon notification that an employee is a victim of domestic or gender-based violence, provide the employee with confidential support services, including referrals to:
    - EAP,
    - the NYS Domestic and Sexual Violence Hotline (or the statewide hotline for workplace sexual harassment, as may be appropriate), and
    - any local programs serving victims of domestic and sexual violence.
  - Ensure that the victimized employee is informed of all possible options available to

- them, such as the use of alternative scheduling or a change in work location and assisting the employee in identifying the best use of attendance and leave benefits.
- Ensure that the victimized employee is aware of and receiving any necessary accommodations as outlined in section VII of this policy.
- Ensure that all employees receive a copy of this policy annually, and regularly receive information about how to contact the DVALs and what supportive services are offered by the Fund.
- Conduct basic workplace safety strategizing with victimized employees.
- Serve as the primary contact for OPDV, including reporting bi-annual data.

**Human Resources:** Human Resources staff will be involved to assist the Fund with the following requirements through the Shared Services Agreement:

- Human Resources staff shall work with the Fund to ensure that the Fund establishes a workplace culture that is safe and supportive for anyone who has experienced domestic or gender-based violence by communicating that information and resources are available to victims and that abusive behavior by any employee will not be tolerated.
- Human Resources staff shall assist the Fund to ensure that all employees who are required to attend training from OPDV pursuant to the policy complete the required training.
- Human Resources staff shall assist the Fund to ensure that employees receive a copy of this policy upon hire as well annually, which may be accomplished by reminding employees of an electronic link to the policy. Human Resources staff shall assist the Fund to ensure that provide employees with information about how to contact the DVAL and what supportive services the Fund offers.
- Human Resources staff shall assist the Fund to ensure that any employee who discloses being a victim of domestic or gender-based violence is aware of and receiving any necessary accommodations and shall consult with Fund leadership and Counsel, and OPDV Counsel as appropriate, to address complex cases.
- Human Resources staff shall assist supervisors and the Fund to ensure that any employee who violates this policy is held accountable.

**Supervisors:**

- Supervisors shall ensure that any employee who discloses being a victim of domestic or gender-based violence is aware of this policy and understands this policy and their rights, including the right to request accommodations or time off as discussed below.
- If any employee discloses being a victim of domestic or gender-based violence, or if a supervisor suspects that the employee may be a victim of domestic or gender-based violence, the supervisor must refer the employee to:
  - the DVAL,
  - EAP,
  - the NYS Domestic and Sexual Violence Hotline (or the statewide hotline for workplace sexual harassment, as may be appropriate), and
  - any local programs serving victims of domestic and sexual violence.
- There is no mandatory reporting of domestic or gender-based violence, unless it may constitute sexual harassment as defined in Section 6.0 below.

**Non-Discrimination and Responsive Personnel Policies:**

Under the New York State Human Rights Law, all persons covered by this policy are protected from discrimination in the workplace on the basis of status as a victim of domestic violence, and on the basis of sex, sexual orientation, gender identity, and gender expression.

- Subdivision 34 of section 292 of the Executive Law of New York State establishes persons who qualify as a “victim of domestic violence.”
- Victims of domestic violence are a protected class under New York State Human Rights Law (Executive Law § 296(22)).
  - The Fund will not refuse to hire or license and may not terminate someone solely based on their status as a victim of domestic violence.
  - The Fund will not discriminate against victims of domestic violence in compensation, terms, conditions, or privileges of employment.
  - The Fund prohibits inquiries about an applicant’s status as a current or past victim of domestic violence and will not make any employment decisions based on assumptions or actual knowledge about someone’s status as a current or past victim of domestic violence. The Fund may inquire about status as a victim of domestic violence in order to provide reasonable accommodations.
- The Fund will allow any employee who has disclosed the employee’s status as a victim of domestic or gender-based violence (or disclosed that a family member is a victim of domestic or gender-based violence) and must be out of work for a reasonable time to use accrued sick leave<sup>1</sup> for the following purposes:
  - to obtain services from a domestic violence shelter, rape crisis center, or other services program;
  - to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee’s family members;
  - to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
  - to file a complaint or domestic incident report with law enforcement;
  - to meet with a district attorney’s office;
  - to enroll children in a new school;
  - to address issues relating to technology or financial abuse; or
  - to take any other actions necessary to ensure the health or safety of the employee or the employee’s family member or to protect those who associate or work with the employee.
- Employees may choose to use appropriate leave accruals to cover any absences, if available. If the employee does not have adequate leave accruals to cover the absence or chooses not to charge leave accruals, the absence shall be treated as leave without pay.
- Any employee who must be absent from work to utilize accommodations in this section is entitled to the continuation of any health insurance coverage provided by the employer to which the employee is otherwise entitled during any such absence, in accordance with any existing collective bargaining agreements, regulations, and Fund policy.
- Employees who must be absent to use accommodations as listed in this section shall provide the Fund with reasonable advanced notice of the absence whenever possible.
- The Fund will grant time off, with prior day notification, and will not penalize any employee who, as a victim or witness of a criminal offense, is appearing as a witness; consulting with a district attorney; or exercising the employee’s rights as provided by law.<sup>2</sup> Employees can choose to use appropriate leave accruals to cover any absences, if available. If the employee does not have adequate leave accruals to cover the absence or chooses not to charge leave accruals, the absence shall be treated as leave without pay. Any questions regarding leave that must be granted to victims or subpoenaed witnesses should be directed to the Gaming Commission’s Human Resources Management unit through the Shared Services Agreement and/or the Executive Director or the Attendance and Leave Unit at the Department of Civil Service.

<sup>1</sup> NYS Labor Law § 196-b(4)(iii).

<sup>2</sup> NYS Penal Law § 215.14

- The Fund is aware that there may be occurrences when an employee is absent due to incidents of domestic or gender-based violence where the employee is unable to follow Fund protocol to report the absence. In that situation, the employee may lack documentation, may be unable to obtain documentation or may not want to share documentation containing confidential information. The Fund will not require the disclosure of confidential information relating to an absence from work due to domestic violence, a sexual offense, stalking, or human trafficking, as a condition of providing sick leave.
- Employees who are victims of domestic violence or gender-based violence who separate from a covered family member due to an incident or incidents of domestic or gender-based violence shall be allowed to make reasonable changes in benefits at any time during the calendar year, where possible and in accordance with statute, regulation, contract, and policy.

The Fund recognizes that victims of domestic and gender-based violence may experience temporary work performance difficulties or be unable to complete certain job aspects because of safety reasons. (Examples include overnight travel, “off” hour shifts, etc.) If it is found that the employee’s work performance is being affected as a result of being a victim of domestic or gender-based violence, the Fund will work with the employee to try to create a satisfactory resolution, including, but not limited to, specific work plans, the ability to take leave, provision of reasonable accommodations, referrals to the DVAL, EAP, and/or the local domestic violence service provider. OPDV is available for case specific technical assistance as needed. The Fund will give clear information of performance expectations, priorities, and performance evaluations. Employees should be aware that not all employee requests for resolutions can be accommodated. If a disciplinary process is initiated, the Fund will take special care to consider all aspects of the victimized employee’s situation and will attempt to exhaust all available options in trying to resolve the performance problems, including making a referral to the DVAL, EAP, domestic violence program or other relevant services, consistent with existing collective bargaining unit agreements, statute, regulations, and Fund policy.

- If all reasonable measures have been exhausted to resolve related performance problems of employees who are victims of domestic or gender-based violence, but the performance problems persist and the employee is terminated or voluntarily separates from employment, the employee shall be informed of the employee’s potential eligibility for unemployment insurance and the Fund shall 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.<sup>3</sup>
- New York State law prohibits insurance companies and health maintenance organizations from discriminating against domestic violence victims by prohibiting status as a domestic violence victim to be considered a “pre-existing condition.” Insurance companies may not deny or cancel an insurance policy or require a higher premium or payment because the insured party is a current or former victim of domestic violence.<sup>4</sup>
- Sex, sexual orientation, gender identity, and gender expression are all protected classes under the New York State Human Rights Law. Sexual harassment is a form of sex discrimination and is unlawful under the New York State Human Rights Law § 296.1, Human Rights Law § 296-c (for interns), and Human Rights Law § 296-d (for non-employees working in the workplace), and Title VII, the Federal Civil Rights Act of 1964. Sexual harassment includes harassment based on sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender (see page 2-3 for definition of sexual harassment). Gender-based violence may constitute sexual

<sup>3</sup> NYS Labor Law § 593(1)(b)(i)

<sup>4</sup> NYS Insurance Law § 2612

harassment when it subjects an individual to inferior terms, conditions, or privileges of employment.

- The New York State sexual harassment and discrimination policy, which applies to the Fund, may be found at the Office of Employee Relations Equal Opportunity Rights and Responsibility Handbook, which is located online at [https://oer.ny.gov/system/files/documents/2022/10/equal-employment-opportunity-rights-and-responsibilities-handbook\\_4.22\\_0.pdf](https://oer.ny.gov/system/files/documents/2022/10/equal-employment-opportunity-rights-and-responsibilities-handbook_4.22_0.pdf)
- For all forms of discrimination and harassment, if an employee, including an intern or contractor working in a State workplace, experiences sexual harassment or discrimination on the basis of their status as a victim of domestic or other gender-based violence, or observes discrimination in the workplace, the employee may file a complaint.
- Employees can submit a complaint directly to the Office of Employee Relations (OER), via the webform located at <https://antidiscrimination.oer.ny.gov>. Employees, contractors, or interns at New York State Executive Agencies are not required to notify supervisors, human resources staff, or management before filing a complaint. Once an employee fills in the necessary information, the complaint is automatically submitted to ADID for review.
- Any complaint of potential discrimination, whether verbal or written, must be investigated. Furthermore, any supervisory or managerial employee who observes or otherwise becomes aware of conduct of a sexually harassing nature must report such conduct so that it can be investigated. The Fund shall maintain the confidentiality of the complainant to the extent practical.

### **NON-RETALIATION POLICY**

The Fund shall not engage in any retaliatory practices against any employee that discloses they are a victim of domestic or gender-based violence, or any employee seeking accommodations or to exercise their rights under this policy.

The Fund will not retaliate, tolerate retaliation by any superiors, terminate, or discipline any employees for reporting information about alleged incidents of domestic violence that may have been committed by an employee, including those in management positions.

Retaliatory practices may include, but are not limited to, fewer promotions, inappropriate jokes, snide comments, excluding employee from conversations, etc., and may be carried out by everyone, not just the original perpetrator. Retaliation includes commencing discipline against victimized employees for actions taken to promote their safety.

Any employee engaging in retaliatory practices may be subject to disciplinary actions. If an employee believes the employee has been subjected to retaliatory practices, please see the section titled **Violations of Policy**.

### **WORKPLACE SAFETY PLANS**

The Fund has workplace safety response plans in place, including procedures for reporting to supervisors or contacting law enforcement, if necessary, should an event take place in the workplace. This policy is simultaneously enforceable with the Fund's Workplace Violence Prevention policy. Nevertheless, the privacy standards in each case may be different based on the facts of the incident. Only certain incidents reported are considered private under the Workplace Violence Prevention policy, whereas reports pursuant to this policy generally remain confidential.

The Fund shall comply and assist with enforcement of all known Orders of Protection (OP). If requested by the victim, or by law enforcement, the Fund will provide any relevant information in

regard to an alleged OP violation.

Employees are encouraged to disclose any active orders of protection to the DVAL or designated staff member at their work site. Copies of OPs will be maintained in a locked, confidential location, separately from the employee's personnel file. In the event of an emergency or that the OP needs to be presented to law enforcement, the liaison, other designated staff member, director of human resources, or a member of executive staff shall retrieve and present the order. Employees are responsible for notifying the liaison in the event of a relevant modification or revocation of the OP.

When requested by the victim, the DVAL and/or Human Resources staff of the Gaming Commission, through the Shared Services Agreement, will work with the employee to develop a plan to how best increase safety for the victim, other employees, and the workplace. Options may include, but are not limited to:

- providing front desk security or reception staff with a copy of the Order of Protection with a photo of the perpetrator;
- blocking the perpetrator from being entered into the Visitor Management System (VMS);
- protocols for reporting to law enforcement;
- allowing the employee to work staggered hours, an "off shift", or move to a different work location, either temporarily or permanently;
- temporary reassignment of certain duties, such as overnight travel;
- reassignment of parking space;
- providing employees an escort for entry and exit from the worksite;
- allowing security to escort perpetrator out of the building and off the worksite premises;
- working with the employee to address any identified concerns about the use of technology;
- assigning a new email account or phone number if the perpetrator has been able to access the existing accounts;
- creating a personalized safety plan in consultation with the local domestic or sexual violence program;
- allowing the employee to work from an alternate workstation until further action is taken, if the employee works directly with the perpetrator; or
- if an OP is in place and has been violated (i.e. by perpetrator showing up at workplace of victim), requiring security to report the violation to law enforcement.

If the circumstances indicate a need for the Fund to take steps to increase safety for the victim, other employees, and the workplace, the Fund should follow its Workplace Violence Prevention policy.

### **ACCOUNTABILITY FOR EMPLOYEES WHO PERPETRATE ACTS OF DOMESTIC OR GENDER-BASED VIOLENCE**

The Fund will hold accountable any employee who is found to have engaged in behaviors including but not limited to:

- using state resources, including time, to commit an act of domestic or gender-based violence;
- committing an act of domestic or gender-based violence from or at the workplace, or from any location conducting state business, except for locations where employees are telecommuting; or
- using job-related authority and/or state resources in order to negatively affect victims of domestic or gender-based violence and/or assisted perpetrators in locating a victim and/or in

perpetrating an act of domestic or gender-based violence;

Acts of domestic or gender-based violence that occur outside of the workplace can subject a person to administrative and/or other action.

If the Fund has found that an employee has committed any act of gender-based violence, including making threats or harassment at or from the workplace using any state resources such as work time, state owned telephones or cell phones, e-mail, or by any other means, the supervisor, in conjunction with Human Resources Management through the Shared Services Agreement with the Gaming Commission, and Labor Relations, shall take any and all steps necessary to hold the employee accountable through administrative and/or other actions in accordance with existing collective bargaining agreements, applicable statutes and/or regulations. This should include referrals to accountability programs for person who causes harm.

Actions may include, but are not limited to:

- administrative leave;
- cease and desist memo;
- removing/modifying chain of supervision pending an official report;
- relocation of employee alleged to abuse to another work site;
- surrender of work cell phone, laptop, etc.;
- revocation of permanent employment status (reverting to contingent or probationary status);
- mandated participation in an accountability programs for person who causes harm; or
- termination.

The Fund shall determine if corrective action or other action are warranted, in accordance with existing collective bargaining agreements, relevant statutes, and regulation if the Fund has received verification that an employee is responsible for any gender-based violence related offense, or is the respondent on any order of protection, including temporary, final, and/or out of state orders because of a gender-based violence related offense, and said employee has any job functions that include:

- the authority to take actions that directly impact victims of gender-based violence domestic violence; and/or
- actions that may protect perpetrators from appropriate consequences for their behavior.

Any employee who intentionally uses the authority of their employment and/or misuses any state resources in order to:

- negatively impact any victim of gender-based violence;
- assist a perpetrator in locating a victim;
- assist a perpetrator in perpetrating any act of gender-based violence; or
- protect a perpetrator from receiving appropriate consequences

shall be subject to corrective or other action, in accordance with existing collective bargaining agreements; applicable statutes, and regulations.

Any employee who would like to report information about an alleged act of gender-based violence committed by an employee may do so by contacting the director of human resources, the Anti-Discrimination Investigations Division at the NYS Office for Employee Relations (<https://antidiscrimination.oer.ny.gov/>) or the NYS Inspector General's Office by calling the toll-free hotline at 1-800-367-4448 where trained staff will discuss the specifics of your complaint.

## **TRAINING**

**Domestic Violence Agency Liaisons (DVALs):**

- The DVAL shall complete a Gender-Based Violence and the Workplace training provided by OPDV.
- The DVAL shall complete an initial one-day training provided by OPDV.
- The DVAL shall attend quarterly meetings hosted by OPDV, which will provide ongoing training and technical assistance to them.
- Appropriate managers, supervisors, Employee Assistance Program staff, human resources personnel, union and labor representatives, and security staff may also attend the OPDV DVAL one-day or quarterly trainings.

**Employee Assistance Program (EAP) Staff:** All employees who function as EAP coordinators must participate in annual training provided by OPDV on Gender-Based Violence and the Workplace training.

**Human Resources:** All employees who are employed in human resources positions must participate in two annual trainings provided by OPDV:

- Gender-Based Violence and the Workplace training, and
- Gender-Based Violence Workplace Safety Planning training.

**Supervisors and Employees:** All Fund supervisors and employees must participate in an annual Gender-Based Violence and the Workplace training provided by OPDV. OPDV will provide ongoing training opportunities and technical assistance about domestic and gender-based violence and its impact on the workplace to all agencies. Training will be offered to all employees on a regular basis.

**DATA COLLECTION AND REPORTING TO OPDV:**

Information regarding employees who are a victim of domestic or gender-based violence, as well as those who are disciplined for violating this policy, shall be maintained by the DVALs and reported to OPDV by the Director of Human Resources Management of the Gaming Commission through the Shared Services Agreement, on a bi-annual basis, and at any time, upon request from OPDV. Reporting to OPDV shall be done in aggregate form without any personally identifying information. Data from January through June will be due no later than July 30, and data from July through December will be due no later than January 30.

The following information shall be collected:

- All incidents of gender-based violence that take place at a workplace, or while the employee is on Fund time, shall be documented to the best of the Fund's ability, consistent with applicable law and Fund policy, categorized by domestic violence and sexual violence.
- The general nature of the incidents that occurred in the workplace.
- The number of employees who report being a victim of current or past domestic violence.
- The number of employees who make contact with the liaison with concerns that a co-worker is experiencing domestic violence or gender-based violence.
- The number of employees who are referred for discipline as a result of violating this policy.
- The number of employees who contact the DVAL to request information on domestic violence services.
- The number of referrals made to domestic violence service providers, employee assistance programs (EAP), or other applicable services.
- The number of orders of protection that are reported to the Fund.

**VIOLATIONS OF POLICY**



Any employee who would like to report any alleged violations of this policy may do so by contacting OPDV, the Executive Director, the Commission's director of Human Resources Management through the Shared Services Agreement, or the NYS Inspector General's Office by calling the toll-free hotline at 1-800-367-4448 where trained staff will discuss the specifics of the employee's complaint.

For complaints of workplace discrimination, an employee may contact the Anti-Discrimination Investigations Division at the NYS Office for Employee Relations (<https://antidiscrimination.oer.ny.gov/>). This includes complaints related to denials of reasonable accommodations.

**Guidelines for County Fairs Racing Without Concurrent Fair:**

Executive Director Signature: <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 2	Appendix Pages: N/A
Related Laws: N/A	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: N/A	Standards ():  X		
Regulatory Bulletins & Directives: N/A	Local Operating Practice:  Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: N/A	Related Forms: N/A		
Supersedes: Guidelines for County Fairs Racing Without Concurrent Fair, dated 5/13/21			
Summary: The goal of the Agriculture and Horse Breeding Development Fund (Fund) for harness racing at county fair venues to encourage public awareness and appreciation of the Standardbred horse. It is the Fund's hope that harness racing can be used as an attraction to bring people to the fairgrounds.			

**I. DEFINITION(S)**

N/A

<b>Fund Policy &amp; Procedures</b>	<b>Guidelines for County Fairs Racing Without Concurrent Fair</b>
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**II. POLICY**

The Fund believes that the best to achieve the goal of public awareness and appreciation for harness racing is to host the racing while the fair is ongoing. However, there may be instances when harness racing may better support the fair and the racing participants when it is not conducted concurrently.

**III. PROCEDURE(S)**

A fair may receive approval to conduct its harness racing program on a day that the fair is not occurring by making a formal request to the Fund's Executive Director, that includes the following:

- Justification for the request.
- Describe how the fair will promote public attendance for racing (i.e. an advertising or marketing plan).
- Describe provisions that will be provided for the public during live racing, such as restroom facilities, food and beverage service, associated special events or attractions, and any other amenities that are planned.
- Describe any anticipated benefits for racing participants, such as expanded availability of stalls, better groomed racing surface, etc.

The Executive Director shall review and decide on the request based on its merits, especially the ability of the fair to continue to provide a public attraction that highlights harness racing.

In a non-concurrent racing date, the Fund strongly encourages fairs to select a date as close to the actual fair as possible and to use their racing event as a “preview” or a kick-off to the upcoming fair or alongside another event at the fairgrounds to maximize the benefits of drawing participants to the facility.

**IV. APPENDIX**

N/A



### Hiring and Equal Employment Opportunity:

Executive Director Signature: <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 2	Appendix Pages: N/A
Related Laws: <ul style="list-style-type: none"> <li>• NYS Human Rights Law §296</li> <li>• Title VII of the Civil Rights Act of 1964</li> </ul>	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: N/A	Standards (): X		
Regulatory Bulletins & Directives: Equal Employment Opportunity in New York State Handbook	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: N/A	Related Forms: N/A		
Supersedes: Hiring Policy			
Summary: The Agriculture and New York State Horse Breeding Development Fund (Fund) shall ensure that the Fund selects the best qualified candidates for Fund employment.			

### I. DEFINITION(S)

N/A

## II. POLICY

The Fund is an equal opportunity employer. The Fund shall recruit, train, hire, and promote employees without regard to race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, citizenship or immigration status, military status, age, disability, predisposing genetic characteristics, familial status, marital status, pregnancy-related conditions, status as a victim of domestic violence, prior conviction records, prior arrest record, youthful offender adjudications or sealed conviction records.

The Fund's Commitment to equal opportunity programs applies equally to all job classification and titles in the Fund and all appointments under the Fund's jurisdiction. It governs all Fund employment policies, practices and actions, including, but not limited to: recruitment, employment, disciplinary actions, rate of pay, or other compensation, advancement, reclassification, reallocation, promotion, demotion, and all employee benefits.

## III. PROCEDURE(S)

### Executive Director and Attorney Hirings:

- The positions of Executive Director and Attorney shall be filled by the Board of Trustees. The process will be managed by the Chairperson of the Board, subject to approval by the Fund's Board before anyone may be added to the Fund's payroll.

### Other Positions:

- All other budgeted positions may be hired by the Executive Director with the approval of the Chairperson of the Board.

## IV. APPENDIX

N/A

**Internal Controls Policy:**

Executive Director Signature: <i>Ralph Scunzio</i>	Date Issued: 4/25/24	Number of Pages: 3	Appendix Pages: N/A
Related Laws: <ul style="list-style-type: none"> <li>Title 8 of the Public Authorities Law- Internal Control Responsibilities of Public Authorities</li> <li>New York State Governmental Accountability Audit and Internal Control Act</li> </ul>	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations:	Standards ():		
Regulatory Bulletins & Directives: Standards for Internal Control in New York State Government, 2016	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: N/A	Related Forms: N/A		
Supersedes: N/A			
Summary: The Agriculture and Horse Breeding Development Fund (Fund) shall advocate for the development and maintenance of a reliable system of internal controls and a program of internal control review consistent with the laws of New York State.			

**I. DEFINITION(S)**

N/A

## II. POLICY

A reliable system of controls helps us achieve our mission while also providing accountability in government. Internal controls are important to everyone, as they essentially integrate all of our activities, plans, attitudes, policies, systems, resources and operating procedures to provide reasonable assurance that the Fund can achieve its objectives.

There are five components of internal controls:

- Control Environment – Attitude towards control established by management and staff
- Communication – Communication of information in a form and timeframe helpful in carrying out duties and responsibilities
- Assessing and Managing Risk – Identification and evaluation of occurrences that threaten the achievement of our mission
- Control Activities – Automated and manually driven activities that ensure that we are operating as intended and that databases and businesses are accurate and operating as intended
- Monitoring – Monitoring to ensure that transactions and occurrences are valid, properly authorized, processed accurately and compliant with governing statutes, rules and procedural directives

While management has the primary responsibility of establishing and maintaining an effective system of controls, all staff members have the responsibility to ensure that controls are operating as intended.

The Executive Director oversees internal controls.

## III. PROCEDURE(S)

N/A

## IV. APPENDIX

N/A

**Investment Policy:**

Executive Director Signature: <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 2	Appendix Pages: N/A
Related Laws: Public Authorities Law §2925	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: N/A	Standards ():  X		
Regulatory Bulletins & Directives: N/A	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: N/A	Related Forms: N/A		
Supersedes: Investment Policy			
Summary: The Agriculture and Horse Breeding Development Fund (Fund/Corporation) shall follow the below adopted investment policy.			

**I. DEFINITION(S)**

N/A



## II. POLICY

In 1983, in accordance with the requirements of Chapter 383 of the Law of 1983 (now Public Authorities Law §2925), the Fund duly adopted the following resolution:

- “Resolved that, in accordance with the requirements of Chapter 838, Section 25 of the Laws of 1983, the Agriculture and New York State Breeding Development Fund, a public benefit corporation, hereby approves and adopts the following investment guidelines:
  - All funds of the Corporation available for investment shall be deposited in interest-bearing accounts or certificates of deposits with banks in New York State for the shortest possible period and at the highest available interest rate; or in United States Treasury short-term bills or notes at the highest available rate.
  - There shall be no other form of investment.
  - Certificates of deposit shall be fully secured.
  - The independent auditors of the Corporation shall annually review and examine the Corporation’s investments, and shall immediately report to the directors of the Corporation any variance from the foregoing requirements.”

## III. PROCEDURE(S)

N/A

## IV. APPENDIX

N/A

**Lobbying:**

Executive Director Signature: <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 2	Appendix Pages: N/A
Related Laws: NYS Arts & Cultural Affairs Law §57.05	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: N/A	Standards (): X		
Regulatory Bulletins & Directives: N/A	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: Retention and Disposition of Official Fund Records	Related Forms: N/A		
Supersedes: Lobbying Policy			
Summary: The Agriculture and New York State Horse Breeding Development Fund (Fund) will keep records of all contacts with lobbyists.			

**I. DEFINITION(S)**

N/A

## II. POLICY

The Fund shall maintain a record of all lobbying contacts made to the Fund. Individuals contacted by a lobbyist shall advise the Executive Director for record keeping purposes.

These records shall be maintained for a period of seven years.

## III. PROCEDURE(S)

### Executive Director:

- The Executive Director shall be responsible for maintaining the record of the contacts.
- Each time a lobbyist contacts a Fund member, officer, or employee, a record of the contact shall be made to include:
  - The date and time of the contact
  - The identity of the lobbyist
  - A summary of the contact

## IV. APPENDIX

N/A

**Minority- and/or Women-Owned Business Enterprises:**

Executive Director Signature: <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 2	Appendix Pages: N/A
Related Laws: Executive Law Article 15-A	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: 5 NYCRR Parts 140-144	Standards (): X		
Regulatory Bulletins & Directives: Shared Services Agreement, 2024	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: Procurement Guidelines Policy	Related Forms: N/A		
Supersedes: Minority- and/or Women-Owned Business Enterprises Policy; dated 4/18/18			
Summary: In accordance with Article 15-A of the New York State Executive Law and in conformance with the Regulations promulgated by the New York State Department of Economic Development's Division of Minority and Women's Business Development set forth at 5 NYCRR Parts 140-144, each contractor of the Agriculture and New York State Horse Breeding and Development Fund (Fund) must agree to be bound by provisions to promote equality of economic opportunity for minority group members and women and the facilitation of minority- and women-owned business enterprise participation (MBE/WBE).			

**I. DEFINITION(S)**

N/A

<b>Fund Policy &amp; Procedures</b>	<b>Minority- and/or Women-Owned Business Enterprises</b>
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## **II. POLICY**

The Fund is subject to Article 15-A of the Executive Law and 5 NYCRR Parts 140-144, which requires preparation of a Master Goal Plan to describes the procedures the Fund will utilize to comply with the requirements of Article 15-a in order to increase participation of minority- and/or women-owned business enterprises.

The Fund must submit a Master Goal Plan or Annual master Goal Plan Update annually, by January 15<sup>th</sup>, to the Division of Minority and Women's Business Development. Master Goal Plans are submitted every four years and Goal Plan Updates are submitted each year between Master Goal Plans submission.

Every four years, pursuant to Executive Law §311(d-1), the Fund must submit a four-year growth plan as part of its annual report to the governor and the legislature.

In cases which the Fund has been doing business with a firm that is owned by a minority/woman but has not been certified by New York State, the Fund shall advise the firm of the process for seeking certification for the firm's consideration. The Fund shall also provide to the firm the applicable websites and/or contact information.

The Fund reviews the Registry of New York State certified MBE/WBE enterprises maintained by the Empire State Development Corporation's Division of Minority & Women's Business Development for opportunities in purchasing and procurement, in order to ensure that minority- and/or women-owned businesses have an equitable opportunity to participate and compete for Fund business.

Please also refer to the **Procurement Guidelines Policies** of the Fund for how to follow amount guidelines for MWBE requirements for contracts.

## **III. PROCEDURE(S)**

The Executive Director will be responsible for reporting requirements of the MWBE program, with assistance as needed from the MWBE Compliance staff from the Gaming Commission through the Shared Services Agreement.

## **IV. APPENDIX**

N/A

**Procurement Guidelines:**

Executive Director Signature: <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 8	Appendix Pages: N/A
Related Laws: <ul style="list-style-type: none"> <li>State Finance Law §161-163</li> <li>Public Authorities Law §2879</li> <li>Chapter 4C of the Economic Development Law</li> </ul>	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations:  N/A	Standards ():  X		
Regulatory Bulletins & Directives: <ul style="list-style-type: none"> <li>Standards for Internal Control in New York State Government, 2016</li> <li>Contract Reporter Advertising Thresholds:  <a href="https://ogs.ny.gov/procurement/contract-reporter-advertising-thresholds-and-notice-requirements-0">https://ogs.ny.gov/procurement/contract-reporter-advertising-thresholds-and-notice-requirements-0</a> </li> <li>Public Authority Procurement Guidelines: <u>Local</u>:  <a href="X:\NrPortb\US_ACTIVE\KEENANE\O43622526_3.DOC">X:\NrPortb\US_ACTIVE\KEENANE\O43622526_3.DOC</a> (ny.gov) </li> <li>Discretionary Purchasing Guidelines:  <a href="https://ogs.ny.gov/procurement/nys-procurement-bulletin-discretionary-purchasing-guidelines#:~:text=NOTE%3A%20Discretionary%20purchases%20of%20%2450%2C000%20or%20more%20must,and%20%2450%2C000.%20%28SUNY%20and%20CUNY%20have%20different%20thresholds.%29">https://ogs.ny.gov/procurement/nys-procurement-bulletin-discretionary-purchasing-guidelines#:~:text=NOTE%3A%20Discretionary%20purchases%20of%20%2450%2C000%20or%20more%20must,and%20%2450%2C000.%20%28SUNY%20and%20CUNY%20have%20different%20thresholds.%29</a> </li> </ul>	Local Operating Practice: Required <input type="checkbox"/> N/A <input type="checkbox"/>		

<b>Fund Policy &amp; Procedures</b>	<b>Procurement Guidelines</b>
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Related Policies/Procedures: N/A	Related Forms: N/A
Supersedes: N/A	
Summary: The Agriculture and Horse Breeding Development Fund (Fund) shall follow current New York State Procurement laws and guidelines issued below, reviewed on an annual basis.	

## I. DEFINITION(S)

- Procurement Contract: Any written agreement for the acquisition of goods or services of any kind.
- Contract for Goods and Services: Any written agreement to provide goods or a service (other than those hereinafter defined as personal services) pertaining to building operation and maintenance, office equipment and supplies, printing, promotional materials, or any other similar item or items.
- Contract for Personal Services: Any written agreement to provide a service, including but not limited to legal, accounting, management consulting, investing, banking, planning, training, statistical, research, public relations, architectural, engineering, surveying, performance (of an artistic or entertainment nature), or personal service of a consulting, professional or technical nature, for a fee, commission or other compensation, by a person or persons, not providing such services as an officer or employee of a state agency or public benefit corporation.
- Preferred Source: A Preferred source is a minority-owned business, a woman-owned business, a New York State small business or a business that deals in recycled or remanufactured goods.
- Minority Business Enterprise: Any business enterprise, including a sole proprietorship, partnership or corporation that is:
  - An enterprise in which at least 51% of the ownership is controlled by one or more minority group members or, in the case of a publicly-owned business, at least 51 %of the common stock or other voting interests of which is owned by one or more minority group members;
  - An enterprise in which the minority ownership is real, substantial, or continuing;
  - An enterprise in which the minority ownership has and exercises the authority independently to control the day-to-day business decisions of the enterprise; and
  - An enterprise authorized to do business in New York State, independently owned and operated, and not dominant in its fields.
  - For the purpose of these Guidelines, a minority group member means a United States citizen or permanent resident alien who can demonstrate membership in one following groups:
    - Black persons have origins in any of Black African racial groups not of Hispanic origin;
    - Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American or either Indian or Hispanic Origin, regardless of race;
    - Asian and Pacific Islander persons having origins in any of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Island; or
    - Native American persons having origins in any of the original peoples of North America.
- Women-Owned Business Enterprise: For the purposes of these Guidelines, a women-owned business enterprise means a business enterprise, including a sole proprietorship, partnership

or corporation which is:

- At least 51 % owned by one or more United States citizens or permanent resident aliens who are women or, in the case of a publicly-owned business, at least 51 % of the common stock or other voting interests of which is owned by a United States citizen or permanent resident alien or aliens who are women;
- An enterprise in which the ownership interest of women is real, substantial, and continuing;
- An enterprise in which the women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
- An enterprise authorized to do business in New York State, independently owned and operated, and not dominant in its field.
- New York State Small Business: For the purposes of these Guidelines, "small business concern" or "small business" means a business which is resident in this State, independently owned and operated, not dominant in its field and employs one hundred or less persons.
- Enterprise That Deals in Recycled or Remanufactured Goods or Technology: refer to State Economic Development Law § 261(1), State Finance Law § 165(3)(a), and Environmental Conservation Law § 368.4(a) for what qualifies.
- Aggregate Purchases: The Fund shall consider the reasonably expected aggregate amount of all purchases of the same commodities or services to be made within a twelve (12) month period commencing on the date of purchase when determining which procurement methodology to use.
  - Aggregate purchase of the same commodities or services within a (12) month period are deemed a single transaction. When the Fund can reasonably anticipate that repeat purchases are necessary, the Fund should select the appropriate procurement process to cover such aggregate needs, which may include a competitive bid. Purchases of Services or Commodities shall not be artificially divided for the purpose of satisfying the discretionary buying thresholds. A change to or renewal of a discretionary purchase shall not be permitted if the change or renewal would bring the reasonably expected aggregate amount for all purchases of the same commodity or services from the same provider within the twelve (12) month period commencing on the date of the first purchase to an amount greater than the discretionary buying threshold amount.

## II. POLICY

Pursuant to Public Authorities Law §2879(1), "every public authority and public benefit corporation, a majority of the members of which consist of persons either appointed by the governor or who serve as members by virtue of holding a civil office of the state, or a combination thereof, (such entities to be hereinafter in this section referred to as "corporation") shall adopt by resolution comprehensive guidelines which detail the corporation's operative policy and instructions regarding the use, awarding, monitoring and reporting of procurement contracts." Therefore, The following comprehensive guidelines, which detail the operative policy and instruction of the Agriculture and NYS Horse Breeding Development Fund (the "Fund") regarding the use, awarding, monitoring and reporting of procurement contracts shall be known as "Guideline for Procurement Contracts." They shall be referred to herein as the "Guidelines." It is the intent of the Fund, to the fullest extent that it is practical, and except as otherwise provided for herein, that the award of procurement contracts be made on a competitive basis, to the lowest responsible bidder meeting specifications.

For specific dollar amounts not listed, please refer to the cited law or above regulatory bulletins and directives for details.



### III. PROCEDURE(S)

**Discretionary Purchases:** Purchases from Preferred Sources, OGS Centralized Contracts and agency contracts, by law, take precedence over discretionary procurement options. The Fund shall have discretion according to the Discretionary Purchasing Guidelines from OGS.

**Discretionary Guidelines:** For purchases up to the Discretionary Buying Threshold, the Fund must:

- Ensure that the commodities and services acquired meet its form, function and utility needs;
- Document and justify the selection of the vendor;
- Document and justify the reasonableness of the price; and
- Ensure that the State buys from responsible vendors.

NOTE: Discretionary purchases over a certain dollar amount must be advertised in the Contract Reporter. Quarterly Contract Reporter ads are required/or purchases pursuant to State Finance Law §161(2)(m).

**Application of Discretionary Guidelines:**

- In anticipation of entering into a Contract for goods or services, the Fund shall:
  - Review the "List of Preferred Source Offerings" and determine if the desired commodity or service is available from a Preferred Source in the form, function and utility that meets its needs; review OGS Centralized Commodities Contracts.
  - Review its own Fund specific contracts to determine if the desired commodity or service is available to meet the Fund's need.
- If the above reviews do not meet the Fund's needs, the following steps in accordance with purchase price may apply.  
NOTE: If an OGS Centralized Services Contract is available and will meet the Fund's needs, the Fund shall consider use of such contract, although it is not required.
- Purchases Under the Threshold Amount: The Fund shall maintain justification to support both the vendor selection and the reasonableness of the price. Methods for determining reasonableness of price include, but are not limited to:
  - Informal quotes (e.g., telephone or written),
  - Cost to other governmental entities,
  - Historical cost or price comparisons, or
  - OGS or Less, where applicable.
- The Fund shall document in the Procurement Record the basis for the conclusion that the price is reasonable, with "Reasonable" meaning a "fair market price" based on normal competitive conditions and not necessarily the lowest price.
- The Fund shall advertise in the Contract Reporter on a quarterly basis for anticipated purchases under State Finance Law and regulatory bulletins from the Office of General Services (OGS) and shall consider vendors responding to advertisements in the Quarterly Listings. Please refer to the Contract Reporter Advertising Thresholds and Notice Requirements for details on financial ranges and requirements.

**Responsibility for Procurement Contracts:**

The Executive Director of the Fund, or the Executive Director's designee, has the overall day-to-day responsibility and oversight regarding the awarding and monitoring of procurement contracts. Personal service contractors shall be utilized in those areas where the Fund determines that such services may not be reasonably obtained by staff members of the Fund. In making such determination, factors such as timing, costs, qualifications, or the nature of the services to be rendered shall be taken into consideration.

**Fund Requirements Regarding Selection of Procurement Contractors:**

- **Personal Services:** The selection of personal service contractors shall be on a competitive

basis, except that the Executive Director may waive competition if none is available or the interests of the Fund so require. Factors to be considered in the decision not to seek competition include, but are not limited to:

- (a) Specialized expertise or unusual qualifications, or services obtainable from one source only;
- (b) Historical relationship with the Fund, the continuation of which is in the best interest of the Fund;
- (c) Specialized knowledge;
- (d) Geographical proximity to the Fund;
- (e) Lack of responsible competition, in the sole opinion of the Fund, to perform the desired services;
- (f) Nature, magnitude or complexity of services required; and
- (g) Short-term or infrequent need for services.
  - Any contract involving services to be rendered over a period in excess of one year shall require the approval of the Board by resolution, and an annual review of the contract by the Board. A personal services contract shall also require the approval of the Board by resolution when the amount thereof exceeds \$25,000. Legal services need not be awarded on a competitive basis.
- Goods and Other Services: Selection of contractors for goods and services other than personal services shall be made only on a competitive basis, selecting the lowest responsible bid meeting specifications, except as may otherwise be set forth herein. The level of competition and authorization shall depend upon the estimated or actual value of the goods or services, subject discretionary purchase requirements, above, as follows:

Estimated or Actual Value	Required Level of Competition	Required Level of Authorization
Up to \$25,000	Not Required*	Executive Director
\$25,000 - \$50,000	3 Written Quotes**	Executive Director
\$50,000 and up	Sealed Bids	Board Resolution

- \*Formal documentation is not required. However, it is expected that all staff members will attempt to utilize a preferred source wherever possible, and also be cost-conscious.
- \*\*Written quotes must be documented as to the vendor/supplier, service/item required, and date. Notes: As stated above, should the contract price - with the contract price being the reasonably expected aggregate amount of all purchases of the same commodities or services to be made within a twelve (12) month period commencing on the date of purchase when determining which procurement methodology to use - exceed \$50,000 or \$100,000 if dealing with a preferred source, the procurement contract must have prior approval from the Office of the State Comptroller (OSC). For the purpose of this guideline, aggregate purchases of the same commodities or services within a twelve (12) month period are deemed a single transaction. Purchases up to the Discretionary Buying Threshold are not subject to the formal competitive bidding requirements set forth in State Finance Law §163, but are subject to the advertising requirements set forth in Economic Development Law Article 4-C. The Fund must, however, comply with its internal policies and procedures governing discretionary purchases, which purchases should include an assessment as to whether a formal competitive procurement process, or one that is less formal but still competitive, may best meet the Fund's needs.
- Competition may be waived:
  - (1) On an emergency basis when the safety of life or property is involved. A written explanation of the nature of the emergency must accompany the purchase order/contract;
  - (2) When only one source is available. A written statement must accompany the purchase order/contract, explaining the need for sole-source acquisition;

- (3) When state OGS contracts are used; and
- (4) Under a warranty, when the Fund may be required to obtain services from a manufacturer designated entity.
- The level of approval required for such waivers of competition as set forth in the above points 1-2 and herein shall be the Executive Director within Levels 1-2 and Board for Level 3.
- Any contract for goods or services other than personal services awarded for a period in excess of one year shall require the approval of the Board by resolution, and an annual review of the contract by the Board.

#### **Procedures for Competitive Selection-Personal Services:**

- The procedures for competitive selection of personal service contractors, when such method of selection is considered to be in the best interest of the Fund, are as follows:
  - A. The Fund shall prepare a written statement containing a description of the services, the reasons why they are required, and the required estimated schedule or duration of the services.
  - B. A request for proposals ("RFP") shall, whenever practicable and desirable, be sent to at least five firms to assure competition, including any WBE/MBE firms, unless there are less than five qualified firms or unless competition is waived as provided in the Guidelines.
  - C. The RFP shall describe the services to be performed, any completion dates or time requirements, MBE requirements, if applicable, and the criteria to be utilized by the Fund in evaluating proposals, and shall contain a requirement for a cost proposal, and the date, time and place when proposals must be received. In cases of sealed bids, the bids should be opened at a designated time and place, and witnessed by at least three persons. Preferably, the witnesses should include two staff members and a Board member or representative.
  - D. The Fund may select one or more proposers with which to negotiate after evaluation of the proposals received. The award shall be made to the proposer or proposers whose proposal(s) will be the most advantageous to the Fund - price, qualifications, and other factors considered - using such evaluation criteria as the basis for the decision.
  - E. For Architectural, Engineering, and Technical Contracts.
    - In the Procurement of such architectural, engineering, and technical services, the Fund shall evaluate current statements of qualifications and performance data. If desired, the Fund may conduct discussions with three or more professional firms regarding anticipated design concepts and proposed methods or approach to the assignment.
    - The Fund shall comply with the provisions of the above sub-paragraphs "A," "B," and "C" of these Guidelines.
- The Fund shall negotiate a contract with the highest qualified professional firm for architectural, engineering, and/or technical services at compensation which the Fund determines in writing to be fair and reasonable. In making this decision, the Fund shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof. Should the Fund be unable to negotiate a satisfactory contract with the professional firm considered to be the most qualified, at a fee it determines to be fair and reasonable, negotiations with the professional firm shall formally be terminated. The Fund shall then undertake negotiations with the second most qualified professional firm. Failing accord with the second most qualified professional firm - should the Fund be unable to negotiate a satisfactory contract with any of the selected professional firms in order or their competence and qualification, it shall continue negotiations in accordance with this sub paragraph until an agreement is reached. The provisions of this subparagraph shall apply

only to engineering and/or technical services and/or architectural service contracts in excess of \$25,000.

- Contracts for engineering, technical or architectural services involving lesser amounts may be entered into pursuant to the provisions of this section, or any applicable provisions of the Guidelines.

### **Advertising Requirements:**

- In anticipation of entering into a Procurement Contract, the Fund must advertise in the Contract Reporter and should utilize language which substantially conforms to language followed by the Discretionary Purchasing Guidelines. The Fund must advertise in accordance with the Discretionary Purchasing Guidelines and Contract Reporter Advertising Thresholds and Notice Requirements Guidelines.

### **Provisions to be Contained in All Procurement Contracts:**

- Procurement contracts shall set forth the nature, quantity, if applicable, and monitoring of work performed, the use of Fund supplies and facilities, the use of Fund personnel, and provisions considered to be in the best interest of the Fund. Procurement contracts shall be awarded only to persons or firms deemed responsive to the Fund's procurement documents as well as capable and responsible. The following types of provisions shall be contained in all procurement contracts, except that any provision listed which is inapplicable or unnecessary because of the nature or duration of the services or goods to be delivered, the location or locations where they are to be performed, or the type of compensation being paid therefore, need not be included. Any of the following terms, deemed applicable, may be added.
  - Description of services;
  - Compensation;
  - Time for performance or date of completion;
  - Liability of contractor or consultant;
  - Indemnification of the Fund;
  - Reports of contractor or consultant;
  - Ownership of plans, drawings, or other products of the performance of the services (professional services);
  - No assignments or subcontracts without the express written consent of the Fund;
  - Maintenance of records, accounts;
  - Right of Fund to inspect and/or audit books and records of contractor or consultant (professional services);
  - Insurance requirements;
  - Termination;
  - Monitoring of the performance of service;
  - Use of Fund supplies, facilities or property;
  - Use of Fund personnel;
  - All provisions required to be included in Fund contracts by federal, state or local laws, ordinances, codes, rules regulations; and
  - Involvement of former officers or employees.
- Contractors shall have the following responsibilities:
  - To perform the contract in accordance with its terms;
  - To perform services required under a contract competently, efficiently, in a timely and first-class manner, at a reasonable cost and in a manner acceptable to the Fund, or to deliver goods or supplies in a first-class condition, to the proper location, on a timely basis, and in a manner which is acceptable to the Fund; and
  - To cooperate with Fund personnel who are directing, monitoring, or supervising the delivery of services or goods, or who are assisting in the delivery thereof.

**Involvement of Former Officers of Employees:**

- No procurement contracts shall be entered into with current and/or former officers or employees of the Fund except by a resolution adopted by the Board, upon showing that such contract is in the best interest of the Fund, and then only to the extent permitted by Section 73 of the Public Officers Law and other applicable provisions of law.

**Annual Report on Procurement Contracts:**

- The Fund shall annually prepare and approve a report on procurement contracts, which shall include the Guidelines, and explanation of the Guidelines, and any amendments thereto since the last annual report. Such report on procurement contracts shall also include a list of all new contracts, contract selection process, and status of all existing procurement contracts. For this report, follow the guidelines established pursuant to 2 NYCRR Part 201.2.
- Such a report shall be available to be submitted annually as per current requirements.
- Copies of the Annual Report are to be made available to the public upon reasonable request therefore.

**Third-Party Rights; Validity of Contracts:**

- These Guidelines are intended for the guidance of the officers and employees of the Fund only, and nothing contained herein is intended or shall be construed to confer upon any person, firm, or corporation any right, remedy, claim or benefit under or by reason of any requirement of provision hereof.
- Nothing contained in these Guidelines shall be deemed to alter, affect the validity of, modify the terms of, or impair any contract or agreement made or entered into in violation of, or without compliance with, the provisions of the Guidelines.

**Miscellaneous:**

- Where applicable federal, state or local laws, ordinances, codes, rules or regulations containing requirements which are in conflict with or impose greater obligations upon the Fund than these Guidelines, then such requirements shall take precedence over those contained herein.
- Any specific provision of the Guidelines may be waived by the Chairperson or Executive Director of the Fund, but only under extraordinary circumstances. Any waivers of the Guidelines herein due to the extraordinary circumstances shall be reported to the Fund no later than the first monthly meeting following the waiver to allow the Board to certify that extraordinary circumstances are present and necessary.
- The Fund shall not be precluded from adopting additional requirements relating to the matters covered by these Guidelines.

**Products and Services of the Blind and Disabled:**

- The Fund shall procure available goods and services from the blind and the disabled, in accordance with the provisions of Section 175-a and 175-b of the State Finance law.

**IV. APPENDIX**

N/A

**Fund Project Sunlight Policy:**

Executive Director Signature: <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 2	Appendix Pages: N/A
Related Laws: Public Integrity Reform Act of 2011	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: N/A	Standards ():  X		
Regulatory Bulletins & Directives: <ul style="list-style-type: none"> <li>Project Sunlight FAQ: <a href="http://www.projectsunlight.ny.gov/FAQ">http://www.projectsunlight.ny.gov/FAQ</a></li> <li>Shared Services Agreement, 2024</li> </ul>	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: N/A	Related Forms: N/A		
Supersedes: Project Sunlight Policy			
Summary: The Agriculture and Horse Breeding Development Fund (Fund) shall comply with the requirements of Project Sunlight. The purpose of this policy is to communicate the mandatory nature of the Project Sunlight training and reporting requirements to covered employees.			

**I. DEFINITION(S)**

N/A

## II. POLICY

The Public Integrity Reform Act of 2011 established Project Sunlight, an initiative which authorized the creation of an online database (<http://www.projectsunlight.ny.gov/>) of contacts related to procurement, rate making, regulatory matters, judicial or quasi-judicial proceedings, or the adoption of regulations. The database is intended to provide the public with an opportunity to review what entities or individuals are communicating with government decision makers.

Any Fund employee who has the power to exercise Fund discretion in any of the above subject areas or advises another employee who has such discretion, is required to report an appearance by an outside entity or person that concern any of those subject areas. An appearance is a substantive interaction that is meant to have an impact on the decision-making process of the Fund. The interaction must occur in either an in-person meeting or a conference by telephone or video to be an appearance.

Covered employees may designate a person to assist in entering information relating to covered “appearances” in the Project Sunlight database. Those persons should be reported to the Executive Director, the Fund’s Attorney or Gaming Commission Counsel’s Office through the Shared Services Agreement so they may have access to the mandatory SLMS training and the reporting database. It remains the responsibility of the covered person to ensure that the appropriate information is being entered into the database. The reporting requirements of Project Sunlight can be found at <https://projectsunlight.ny.gov/Resources.aspx>.

The Executive Director will designate a list of employees covered by Project Sunlight. Those employees designated as covered employees will be notified of their access to mandatory training in the Statewide Learning Management System (SLMS) by the Executive Director. From time to time, Fund employees may be designated or undesignated as their job responsibilities change. The Executive Director will keep a list of all covered employees and update it at least twice a year. Employees who believe they are covered by Project Sunlight should consult with the Executive Director if they have not received notice they are covered. In such instances, employees should keep sufficient records of potential reportable contacts until they receive a determination from the Executive Director.

More detailed guidance and training is available within SLMS or by contacting the Fund’s Attorney or the Gaming Commission Counsel’s Office through the Shared Services Agreement. All appearances should be reported to the Project Sunlight database within five business days.

## III. PROCEDURE(S)

N/A

## IV. APPENDIX

N/A

**Retention and Disposition of Official Fund Records:**

Executive Director Signature: <i>Ralph Scunzio</i>	Date Issued: 4/25/24	Number of Pages: 4	Appendix Pages: N/A
Related Laws: NYS Arts and Cultural Affairs Law §57.05	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: 8 NYCRR §188	Standards (): X		
Regulatory Bulletins & Directives: Shared Services Agreement, 2024	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: N/A	Related Forms: N/A		
Supersedes: Records Management, Retention, and Destruction Policy and Record Retention Schedule			
Summary: The Agriculture and Horse Breeding Development Fund (Fund) shall follow retention and disposition of official records of the Fund in accordance with NYS Arts and Cultural Law. Such records must be retained and destroyed in accordance with an approved records retention period and disposition schedule.			

**I. DEFINITION(S)**

- Records: means all books, papers, microforms, computer-readable tapes, discs or other media, maps, photographs, film, video and sound recordings, or other documentary materials, regardless of physical form or characteristics, made or received by Commission in pursuance of law or in connection with the transaction of Commission business and retained by the Commission as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities. Extra copies of documents preserved only for



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convenience of reference, and stocks of publications and of blank forms shall not be deemed to constitute records.

- Archival records: means records that should be considered for designation by the director of the State Archives for continuous preservation because of likely enduring administrative, legal, fiscal, educational, historical, or other research value to State government and/or its citizens.
- Records management: means the planning, organizing, directing, controlling and other activities needed for effective records creation, records maintenance and use, and records disposition.
- Records retention period and disposition schedule: means a document that prescribes the legally required minimum retention periods for records and the final disposition of records and may also describe where and in what form records must be kept.
- Retention period: means a period of time, expressed in terms of an event that must occur and/or the time that must elapse, before records may be disposed.

## II. POLICY

In accordance with NYS Arts and Cultural Affairs Law, official records of the Fund shall be retained and may not be destroyed unless pursuant to an approved records retention period and disposition schedule.

## III. PROCEDURE(S)

### Records Management Officer

- The Executive Director shall be designated as the Records Management Officer. The Records Management Officer shall be responsible for records management, including:
  - Administration of the Fund's records management program;
  - preparation and submission to the State Archives of proposed records retention period and disposition schedule, or other plans which delineate proposed records retention periods and disposition practices;
  - overseeing the continuing disposition of records in accordance with approved records retention period and disposition schedule or other plans which delineate records retention periods and disposition practices;
  - compiling and maintaining a current inventory of agency records; and
  - evaluating which records may have archival value and seeking appropriate direction if any are identified.
- The Records Management Officer, and any alternate, through the Shared Services agreement, shall participate in the comprehensive records management training program offered by the State Archives to the extent necessary to fulfill the position.

### Inventory Development, Distribution, and Maintenance:

- The Records Management Officer shall compile and maintain a current inventory of agency records by conducting or causing to be conducted an agency-wide inventory of the records. An inventory shall contain information sufficient to prepare and implement a records retention period and disposition schedule.
  - At minimum, an inventory shall include the title, purpose, responsible program area, contents, arrangement, volume, dates and locations of all records series, and the hardware and software requirements for all electronic records.
  - On an annual basis, the completed inventory shall be disseminated by the Records Management Officer to each Division, Bureau and Office within the Commission. The heads of each such unit shall have the affirmative responsibility to review the records

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inventory applicable to their respective operations and return written additions or subtractions to the Records Management Officer.

- Upon receipt of written additions or subtractions, the Records Management Officer shall amend the inventory as needed and circulate and maintain a final inventory for the calendar year.

#### Certain Approvals Required:

- The Fund shall follow the General Record Retention and Disposition Schedule for New York State Government Records ("General Retention and Disposition Schedule") issued by the NYS Department of Education effective September 2016, as such document may be amended from time to time. The General Retention and Disposition Schedule is attached hereto as Attachment A and may be found at <http://www.archives.nysed.gov/common/archives/files/general-schedule-2016.pdf>.
- The Records Management Officer, through the Shared Services Agreement, shall prepare and submit to the State Archives for approval a proposed Fund supplement to the General Retention and Disposition Schedule ("Fund Supplement").
  - The Fund Supplement shall, for categories of records not specified in the General Retention and Disposition Schedule, identify:
    - each category of records;
    - the length of time within each category sufficient to meet administrative, legal and fiscal requirements; and
    - those records of temporary administrative, legal and fiscal value.
  - The Fund Supplement shall:
    - be established in a manner and form prescribed by the State Archives;
    - be consistent with the General Retention and Disposition Schedule;
    - address the destruction cycle for records not covered by the General Retention and Disposition Schedule that do not have sufficient administrative, legal, fiscal or other value to the Commission to warrant their continued retention beyond the expiration of the proposed record retention periods.
  - Any Fund Supplement approved by State Archives shall be appended to this document as Attachment B.
- The Fund shall not destroy, transfer custody of, destroy the means to access, or otherwise dispose of any records unless in accordance with a State Archives-approved records retention period and disposition schedule.

#### Compliance:

- The Records Management Officer shall ensure that the approved records retention periods and disposition schedules, including the General Retention and Disposition Schedule and the Fund Supplement, are disseminated across each Division, Bureau, and Office and shall work with each unit to develop and implement a corresponding plan that ensures adherence to the schedule.
- Each Division, Bureau and Office within the Fund shall utilize appropriate means to ensure compliance with the applicable schedules and retention periods.
- Records that have reached the end of their retention period shall be destroyed by appropriate means depending on the contents and nature of the records, giving due consideration to the confidentiality of the information contained therein.
- Notification that the records are subject to a litigation hold or are otherwise relevant to a legal action or audit shall result in suspension of routine destruction or other disposition activities until the records are no longer needed, as determined by Counsel or Counsel's designee **through the Shared Services Agreement with the Gaming Commission.**

#### Training:

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- The Records Management Officer shall prepare:
  - a biennial records management training program for all senior staff and contractors that includes an overview of records management responsibilities.
  - handouts for new employees to ensure they are promptly exposed to the Fund's records retention period and disposition schedule and practices.
  - regular all-employee announcements related to changes in the Fund's records management policies and procedures and practices.
  - a brief summary, using plain language, of the retention periods most frequently applied to Fund records, in order to assist Fund personnel in ease of application of the retention periods in their ongoing operations, so that personnel 'are not required to refer to the longer comprehensive documents for routine and frequently applied retention requirements.

Miscellaneous:

- The Records Management Officer shall develop a program that ensures Fund records that have been determined to have sufficient value to warrant preservation shall be transferred to the official legal and physical custody of the State Archives when the Fund no longer needs to use the records for the purpose for which they were created or when the records are infrequently, if ever, used in the conduct of regular agency business.

Matters Not Delineated:

- For all matters concerning records retention periods and records disposition matters not delineated within this Policy and Procedure, the Records Management Officer shall consult with the Executive Director and other Commission employees through the Shared Services Agreement with the Gaming Commission to determine and execute an appropriate course of action consistent with existing laws, regulations and policies.

**IV. APPENDIX**

N/A

**Time and Attendance:**

Executive Director Signature: <i>Ralph Scunzio</i>	Date Issued: 4/25/24	Number of Pages: 3	Appendix Pages: N/A
Related Laws: Civil Service Law	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: 4 NYCRR Part 20-33	Standards (): X		
Regulatory Bulletins & Directives: Civil Service Attendance and Leave Benefits Index ( <a href="https://www.cs.ny.gov/attendance_leave/index.cfm">https://www.cs.ny.gov/attendance_leave/index.cfm</a> )	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: Travel Policy	Related Forms: N/A		
Supersedes: Time and Attendance Policy, dated 1/20/2022			
Summary: The Agriculture and Horse Breeding Development Fund (Fund) shall follow the below time and attendance rules that have been established in accordance with Civil Service Law and intended to ensure that Fund employees are treated fairly and uniformly in matters of attendance and leave.			

**I. DEFINITION(S)**

N/A

## II. POLICY

The normal operating hours of the Fund are 8:00am to 4:00pm. The standard 7½ hour work schedule of an employee can occur anytime between the hours of 8:30am to 5:30pm, based on the exigencies of the workload.

A minimum of a one-half hour lunch period must be taken by all employees between 11:00am and 2:00pm. If anyone has to work through the time normally allocated for the lunch period, they must take it as soon as possible or thereafter.

Any out of office travel, in addition to the Time and Attendance Policy, must also adhere to the Fund's Travel Policy guidelines.

At no time shall the Fund permit any alternate work station agreement when an employee of the Fund is not in travel status unless under extraordinary circumstances and only after the approval of the Fund's board.

The Executive Director or their designee shall perform a quarterly audit of all time sheets filed by Fund employees. Such audits shall be conducted on or about March 31<sup>st</sup>, June 30<sup>th</sup>, September 30<sup>th</sup>, and December 31<sup>st</sup> of each year.

### Compensatory Time Off:

- Fund employees are entitled to compensatory time for any authorized work in excess of 37.5 hours, but not more than 40 hours. For the purpose of computing compensatory time, the work week is defined as Thursday through Wednesday. Any compensatory time earned must be liquidated by the end of the fiscal year following the fiscal in which it is earned.

### Holidays:

- The days observed as holidays by New York State are listed below:
  - New Year's Day; Martin Luther King Day; Lincoln's Birthday\*; Washington's Birthday, Memorial Day; Juneteenth; Independence Day; Labor Day; Columbus Day; Veteran's Day; Election Day\*; Veteran's Day; Thanksgiving Day; Christmas Day.
    - \*Currently observed by the State as a floating holiday
  - In order for an employee to be paid for a holiday, an employee must be in full pay status either the day preceding or the day following the holiday.

### Vacation Time:

- Vacation time (Annual Leave) is accumulated as follows:
  - 3.75 hours every 2 weeks—13 days per year
  - After 7 years, 5.75 hours every 2 weeks—19 days and 7 hours per year
  - After the 15<sup>th</sup> year and through the 19<sup>th</sup> year, add 7.5 hours for each year=one day
  - At the 20<sup>th</sup> year through the 24<sup>th</sup> year, add 15 hours for each year=2 days
  - At the 25<sup>th</sup> year, add 22.5 hours each year=3 days

### Sick Time:

- 3.75 hours every 2 weeks—13 days per year

### Personal Time:

- 37.5 hours per year=5 days, if unused expires annually on entry of duty date.

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### **III. PROCEDURE(S)**

N/A

### **IV. APPENDIX**

N/A

**Travel Policy:**

Executive Director Signature: <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 5	Appendix Pages: 6-7
Related Laws:	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: N/A	Standards ():  X		
Regulatory Bulletins & Directives: OSC Travel Manual ( <a href="https://www.osc.ny.gov/files/state-agencies/travel/pdf/agencies-travel-manual-attachment.pdf">https://www.osc.ny.gov/files/state-agencies/travel/pdf/agencies-travel-manual-attachment.pdf</a> )	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: <ul style="list-style-type: none"> <li>• Credit Cards Policy</li> <li>• Use of Fund Property</li> <li>• Time and Attendance Policy</li> </ul>	Related Forms: N/A		
Supersedes: Travel Policy with Voucher, dated 4/18/18			
Summary: The Agriculture and Horse Breeding Development Fund (Fund) shall assist employees to understand and apply the Fund's travel rules and to provide instructions regarding reimbursement for expenses while in travel status.			

**I. DEFINITION(S)**

N/A

## II. POLICY

The Fund sets rules and regulations for the reimbursement of expenses incurred while traveling on official business. When traveling on official Fund business, only actual, necessary, and reasonable business expenses will be reimbursed.

Employees are in travel status when they are on assignment at work location more than 35 miles from their official station and their home. One of the purposes of an official station is to establish when employees are in travel status and eligible for reimbursement of travel expenses. The designated official station will be determined by Fund management based solely on the best interest of the Fund. Official station designation belongs to the position, not to the person (i.e. a full-time employee working for one agency will have only one official station, a part-time employee working for two agencies may have two official stations). Employees must use mass transit when available.

Travel between and employee's home and official station is considered commuting and is not reimbursable. The employee's home is considered to be in the city or town in which the employee primarily resides when working their official station.

Employees must obtain appropriate approvals prior to traveling on an assignment. Conference calls, teleconferences and webinars should be used in lieu of travel whenever possible. Supervisors should combine events whenever practical and should only approve travel when no other means to participate in the activities is available. Employees must use best efforts to reduce or eliminate overnight and out-of-state travel.

Travel by car or airline must be approved by the Director of the Fund, or their designee, through use of the attached Travel Request Form. Upon completion of all travel Fund staff seeking reimbursement must adhere to the following procedures.

### ***VOUCHERS MUST BE SUBMITTED FOR ALL TRIPS THAT FALL UNDER THE TRAVEL POLICY***

## III. PROCEDURE(S)

### Trip Calculator:

- In circumstances where neither mass transit nor a pool car is available, employees must use the least expensive option of either a rental car suitable under the circumstances or their personal car. Employees must use a "Trip Calculator" to determine which mode is cheaper, and travel reimbursement will be limited to the transportation mode indicated. This mandate would not apply to an employee who has a physical disability and must use a specifically equipped personal vehicle. All vehicle rental and personal car mileage must be coordinated with the Fund's financial officer.
- The "trip calculator" is pre-programmed spreadsheet which calculates and compares the price for traveling by rental car versus reimbursing an employee for personal mileage. An employee enters data for the distance to be traveled, the time frame, the rental car gas mileage (MPG), and the cost of gasoline per gallon, and receives a recommendation. Employees may opt to use their personal cars in non-optimal situations, but will only be reimbursed up to the value of the car rental. This spreadsheet may be found at: <https://ogs.ny.gov/BU/SS/Trav/Calculators.asp>. A copy of the relevant form must be included when submitting a travel reimbursement request. When employees travel together on the same trip in the same personal car, mileage reimbursement is paid to only one individual.
- Employees that are approved for overnight travel must exhaust all reasonable measures to find a hotel that charges a rate at or below the federal lodging per diem rate for travel location. If an employee is unable to find a rate at or below the federal lodging per diem rate, the



employee must obtain prior approval to exceed the federal rate from the Director of the Fund, or the person acting in such capacity. Any travel by the Director shall be approved by the Chairperson of the Fund or a person acting in that capacity at the last Fund Board Meeting.

- Travel vouchers must be submitted within five days of returning from travel status or every thirty days if the employee is in continuous travel status. There will be no reimbursement for travel expenses once appropriations have lapsed.

#### Reimbursement Allowances:

- Overnight Travel Reimbursement: Employees may choose one of two methods for reimbursement for overnight travel, and may choose whichever is to their advantage. Travelers may not, however, combine the two methods on the same trip. Breakfast and dinner are reimbursable meals, lunch is not.
- Un-Receipted Method (Method 1): This method provides for a flat rate allowance for meals, lodging and incidental expenses regardless of where lodging is obtained, including lodging with relatives or friends. Rates are established based on the city or county where lodging is obtained or the location to which the employee was traveling (whichever rate is less) and such location must be specified on the travel voucher. Current rates can be found in the Office of the State Comptroller Travel Manual online at: <http://osc.state.ny.us/agencies/travel/manual.pdf>
- Receipted Method (Method 2): This method provides reimbursement of actual lodging costs and an allowance for meals and incidentals based on federal reimbursement rates for the county of lodging. The per diem rates for locations within the continental United States are revised annually. Current rates can be found online at: <https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup>
- Since rates are based on location of lodging, the county and city must be specified on the travel voucher. Receipts are required for lodging, but not for meals and incidentals when using Method 2. Travelers should seek lodging within the county of their travel destination in close proximity to the site where they will be working while in travel status. If travelers are unable to obtain suitable lodging that meets these requirements, they must obtain a prior approval form from the Director or their designee, to stay in another area.
- Each day the traveler is in overnight travel status, the traveler is eligible for reimbursement for lodging up to a maximum lodging per diem and a per diem allowance for meal and incidentals. The meal per diem is for dinner the first night and breakfast the following day.
- Travelers using this method are eligible for additional reimbursement for breakfast on the day of departure if, due to business reasons, they are required to leave more than one hour before their normal work start time. They are also eligible for reimbursement for dinner on the day of return if official business causes them to return more than two hours later than their normal work ending time. In these cases, breakfast will be reimbursed up to the maximum amount of the meal per diem allowance for the area of lodging they are traveling to and or dinner will be reimbursed up to the maximum amount of the meal per diem allowance specified for the particular area of lodging they are traveling from. The meal per diem allowance is apportioned for breakfast and dinner. See <http://osc.state.ny.us/agencies/travel/meals.htm>.
- Maximum lodging rates exclude taxes. For travel within New York State, a Tax Exemption Certificate (ST-129) should be used. For travel outside of New York State, state and local taxes are not included in the maximum lodging amount and will be reimbursed in addition to the per diem amount.
- On occasion, travelers may be unable to find a hotel at a rate within the maximum lodging per diem rate for the location of travel. If that occurs, the traveler must obtain prior approval to exceed the federal rate from the Director, or their designee.
- Day Trip Reimbursement: Travelers may be reimbursed for breakfast and/or dinner for day trips based on departure and return times. Travelers are entitled to reimbursement for breakfast if, due to business reasons, they are required to return home more than two hours

later than their normal work ending time.

- Travelers without meal receipts are reimbursed a flat rate for breakfast and/or dinner. Current rates are posted on the OSC website: <http://www.osc.state.ny.us/agencies/travel/meals.htm>. Travelers with meal receipts are reimbursed up to the maximum amount of the meal per diem allowance specified for the particular area of travel. The meal per diem allowance is apportioned for breakfast and dinner.
- Day trip meal reimbursements are reportable as income to the IRS.
- Meals and lodging Provided by Agency: If meals and /or lodging are provided by the employee's agency or organization without charge to the traveler, that fact including the name of the paying agency or organization must be indicated on the voucher. Lodging and/or meals when provided at no cost to the employee by the employee's agency or another agency or organization as part of an assignment to duty are not reimbursable. If only lodging is provided, meal allowances based on location of lodging may still be claimed.
- Weekend Allowance: Travelers are allowed lodging and meals for weekends when their agency deems it necessary for them to be in travel status. An additional reimbursement over and above the per diems may be allowed in accordance with the traveler's bargaining agreement if the traveler is 300 miles or more away from home and official station.
- Miscellaneous Expenses: Only actual, reasonable and necessary business-related expenses will be reimbursed and must be properly specified and justified on the voucher. Original receipts should be attached to the voucher. Reimbursable expenses include business telephone calls and internet connection fees, baggage transfers and storage expense, travel-related supplies and materials. Non- reimbursable expenses include expenses for laundry, valet services, maid service, entertainment (e.g., theater tickets, in-room movies) and other personal charges.
- Conference Considerations: In accordance with the August 10, 2009 letter from the Office of Taxpayer Accountability employees may not attend conferences for general education or networking purposes during work hours, and will not be reimbursed for travel to those conferences. If travel to meeting or conference is required, it must be approved by the Fund's Director.
- Social activities such as sightseeing and golf outings are considered personal expenses and will not be reimbursed. When meals and lodging are provided as part of an agency sponsored conference or event, additional reimbursement is not permitted.

#### Transportation:

- Common Carrier: Travelers should use the most efficient and cost-effective method of transportation available. Often this means using a common carrier such as a train, bus, taxicab, or airplane.
- Personal Vehicle: All requests for the use of personally owned vehicles for business travel must be approved in advance by the Director or the person acting in such capacity. This is exception based and authorization will be granted on a case-by-case evaluation. Consideration may be given when a common carrier is not available, is not cost effective or is otherwise not appropriate (for example, there is a need to transport voluminous files and documents). Mileage reimbursement rates are determined by the Internal Revenue Service. All reasonable and necessary parking and toll charges will be reimbursed whether paid in cash or with personally obtained EZ Pass.
- Separate reimbursement for gasoline, accessories, and maintenance repairs of any kind
- (Including motor vehicle accident or mechanical failure), depreciation, anti-freeze, wiper fluid, towing and other similar expenditures will not be allowed. These are considered operational costs and are covered in the mileage allowance. The Fund does not assume any liability in the event of a personally owned vehicle is used.
- Rental Vehicle: All request for rental vehicles must be coordinated through the Fund's Director, or person acting in such capacity, and approved in advance by the Director or the person acting in such capacity.
- The rental agreement should be submitted with the travel voucher. When renting for Fund

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business, you should rent in the name of the Fund and sign the agreement as the agent for the Fund. Any gasoline purchased and other direct costs associated with the vehicle will be reimbursed.

- IRS Requirements: The Internal Revenue Service generally requires withholding and W-2 reporting for the following types of travel reimbursement: Per diem amounts paid in excess of the rates allowed by the federal government which are not supported by receipts; meal allowances paid for non-overnight travel or day trips; mileage reimbursements in excess of the maximum federal rate; reimbursement for expenses incurred at a single location when the job assignment is realistically expected to last in excess of one year.
- Such policy shall apply to all individuals seeking travel reimbursement from the fund. Any travel by the Director of the Fund, or their designee, requesting reimbursement shall require application of this policy as outlined and the approval of the Chairperson of the Fund or a person acting in that capacity at the last Fund Board Meeting.

**IV. APPENDIX**

**AGRICULTURE AND NYS HORSE BREEDING DEVELOPMENT FUND REQUEST FOR TRAVEL/REQUEST FOR TRAVEL/VOUCHER FORM**

The purpose of this form is to ensure budgetary provisions for reimbursement of travel expenditures. Employees should travel only when essential to the Fund's mission and when no other means to participate is the activity is available. Conference calls, teleconferences and webinars should be used in lieu of travel whenever possible. Mass transit must be the first choice of transportation mode if available. Employees will not be reimbursed for any other mode of travel to destinations when mass transit is available unless (1) due to exigent, unforeseen circumstance, and employee must travel by car because mass transit is not available at the time the employee has to travel, or (2) airline travel is more efficient and cost effective. Travel by car or airline must be approved by the Fund's director or the person acting in such capacity. For the Director of the Fund, or the person acting in such capacity, all travel under this policy must be approved in advance, unless for extraordinary circumstances, by the Chairperson of the Fund or the person acting in the capacity at the last Fund Board Meeting. This form must be submitted and approved prior to commencement of any travel via vehicle or air unless unable to do so due to extraordinary circumstances. Upon completion of travel, all expenses must be submitted for review and reimbursement as required and provided for under this policy.

**Request for Travel:**

☐ Day Trip    ☐ Overnight Trip    ☐ One-Time Trip    ☐ Continuous Travel

**Mode of Transportation:**

☐ Personal Vehicle    ☐ Rental Car    ☐ Fund Car    ☐ Rail    ☐ Air

**THIS IS REQUEST IS ☐/IS NOT ☐ EXPECTED TO EXCEED \$500.**

**ESTIMATED COST(S)**

**COMMENTS**

**LODGING  
MEALS/INCIDENTALS  
TRANSPORTATION  
OTHER  
TOTAL**

**\_YES/\_NO\*\* IS THIS TRAVEL ESSENTIAL TO THE FUND'S MISSION?**

**\_YES/\_NO\*\* HAVE YOU EXPLORED CONFERENCE CALLS, TELECONFERENCES AND/OR WEBINARS AS OPTIONAL METHODS OF PARTICIPATING?**

**\_YES/\_NO\*\* TO THE BEST OF YOUR ABILITY, HAVE ALL ALTERNATIVE METHODS TO CONDUCT THIS ACTIVITY BEEN EXPLORED?**

**ALL NO RESPONSES MUST HAVE ADDITIONAL JUSTIFICATION EXPLAINING WHY IT IS IN THE FUND'S BEST INTEREST TO ATTEND THE FUNCTION/EVENT**

**NAME OF TRAVELER:** \_\_\_\_\_

**POSITION:** \_\_\_\_\_

**DATE(S) AND DESTINATION(S) OF TRAVEL** \_\_\_\_\_

**PURPOSE OF TRIP AND DETAILED EXPLANATION DESCRIBING THE REQUIRED ATTENDANCE AND DISADVANTAGES OF NOT ATTENDING, PLEASE BE AS SPECIFIC AS POSSIBLE.**

**APPROVED**\_\_\_\_ **DISAPPROVED**\_\_\_\_

**AUTHORIZED SIGNATURE:**\_\_\_\_\_

**DATE:**\_\_\_\_\_

**Uncashed and Undeposited Checks Policy:**

Executive Director Signature: <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 2	Appendix Pages: N/A
Related Laws: §1315 of the Abandoned Property Law	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: N/A	Standards ():  X		
Regulatory Bulletins & Directives: Unclaimed Property Relating to New York State Agencies—Reference Sheet; Property Type Tables	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: N/A	Related Forms:		
Supersedes: Uncashed/Undeposited Checks Policy—dated 4/18/18			
Summary: The Agriculture and New York State Horse Breeding Development Fund (Fund) will make efforts to contact those with uncashed checks. The Fund will follow guidance from the New York State Comptroller's Office on reporting and transferring remaining unclaimed funds.			

**I. DEFINITION(S)**

N/A

## II. POLICY

The Fund will hold checks for three years. The Fund will make every effort to contact the individuals to whom uncashed checks are written. This contact will be made by mail, telephone, and when possible, by email.

The Fund will establish a liability account for checks that remain uncashed after 9 months of issue date.

Annually, by June 10th, checks which are uncashed (Property Type 2G) and at least three years old will be sent to the New York State Comptroller's Unclaimed Funds account and removed from the Fund's financials.

## III. PROCEDURE(S)

### Unsuccessful Contact:

- If the Fund is unsuccessful in contacting the individual, or the individual claims they did not receive the check, the Fund can issue a Stop Payment on the check, with the amount of the check reverting back to the Fund.
- If a claim is made for the money subsequent to the Stop Payment request, the Fund will research the claim and if the claim is determined to be legitimate, the Fund will pay the claim.

## IV. APPENDIX

N/A

**Use of Fund Property:**

Executive Director Signature: <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 2	Appendix Pages: N/A
Related Laws: Executive Order No. 73, Prohibition Against Personal Use of State Property, (June 2008)	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: N/A	Standards ():  X		
Regulatory Bulletins & Directives: NYS ITS Policies ( <a href="https://its.ny.gov/policies">https://its.ny.gov/policies</a> )	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: <ul style="list-style-type: none"> <li>ITS Policy: Acceptable Use of Information Technology Resources (<a href="#">nys-p14-001-acceptable-use-of-information-technology-resources.pdf</a>)</li> <li>Travel Policy</li> </ul>	Related Forms: N/A		
Supersedes: Communications & Computer Policy			
Summary: The Agriculture and Horse Breeding Development Fund (Fund) supplies, equipment, computers, personnel, and other resources may not be utilized for non-Fund purposes, including for personal purposes or for outside activities of any kind.			

**I. DEFINITION(S)**

N/A



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## II. POLICY

The Fund's computer resources shall be used for purposes related to the business of the Fund.

### Prohibited Uses:

- This prohibition includes but is not limited to the following:
  - Official stationery may not be used for non-Fund purposes, nor may Fund resources be used to mail personal correspondence. The designation "personal" on Fund stationery means only that the contents are meant for personal viewing of the addressee and not that the sender is acting unofficially. All letters and other materials printed on such official stationery are considered official, and thus the designation of "unofficial" has no meaning and shall not be used.
  - Under no circumstances shall Fund mail, postage, internal office mail, or inter-city couriers be used for non-Fund purposes.
  - Fund telephones may be used for personal calls only to the extent that such calls do not conflict with the diligent and proper exercise of the duties of the Fund employee.
  - State vehicles shall be used for official Fund business or incidental use associated with official business away from an employee's official work station. Individuals who are authorized by the Fund to use a vehicle for personal purposes shall keep records of such use, and the value of such personal use shall be calculated and reported as personal income to such individual for tax purposes.
  - Fund computers may be used for incidental and necessary personal purposes, such as sending personal electronic emails messages, provided that such use is in a limited amount in duration and does not conflict with the proper exercise of the duties of the Fund employee.

## III. PROCEDURE(S)

N/A

## IV. APPENDIX

N/A

**Whistleblower Policy:**

Executive Director Signature: <i>Ralph Scunziano</i>	Date Issued: 4/25/24	Number of Pages: 3	Appendix Pages: N/A
Related Laws: <ul style="list-style-type: none"> <li>Title 12 of Article 9 of the Public Authorities Law</li> <li>Civil Service Law §75-b</li> <li>Labor Law §740</li> <li>Executive Law §55(1)</li> <li>State Finance Law §191</li> </ul>	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: N/A	Standards ():  X		
Regulatory Bulletins & Directives: N/A	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: N/A	Related Forms: N/A		
Supersedes: Whistleblower Policy and Procedures			
Summary: The Agriculture and Horse Breeding Development Fund (Fund) shall develop a whistleblower access and assistance program. This policy and procedure is intended to encourage and enable employees to raise concerns in good faith within the Fund, and without fear of retaliation or adverse employment action.			

**I. DEFINITION(S)**

- Good Faith: information concerning potential wrongdoing is disclosed “in good faith” when the individual making the disclosure reasonably believes such information to be true and reasonably believes that it constitutes potential wrongdoing or unethical behavior.
- Personnel Action: any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.

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- Public Authority Employee: all board members, officers, and staff employed at the Fund, whether part-time, full-time, employed pursuant to a contract, employees on probation or temporary employees.
- Whistleblower: any Fund employee who in good faith discloses information concerning wrongdoing by another Fund employee, or concerning the business of the Fund itself.
- Wrongdoing: any alleged corruption, fraud, criminal or unethical activity, misconduct, waste, conflict of interest, intentional reporting of false or misleading information, or abuse of authority engaged in by Fund employees that relates to the Fund.

## II. POLICY

The purpose of the whistleblower access and assistance program is to provide board members, management, and staff of state and local public authorities with a confidential means to report credible allegations of misconduct, wrongdoing, or unethical behavior and to protect these individuals, when acting in good faith, from personal or professional retaliation. Therefore, the Fund shall afford certain protections to individuals who in good faith report violations of the Fund's Code of Ethics or other instances of potential wrongdoing within the Fund.

## III. PROCEDURE(S)

### Reporting Wrongdoing:

- All Fund employees who discover or have knowledge of potential wrongdoing concerning board members, officers, or employees of the Fund; or a person having business dealings with the Fund; or concerning the Fund itself, shall report such activity in accordance with the below procedures.
- Employee shall disclose any information concerning wrongdoing either orally or in a written report to their supervisor, general counsel, or Board member, as applicable.
- All Fund employees who discover or have knowledge of wrongdoing shall report such wrongdoing promptly and in a timely manner.
- The identity of the whistleblower and the substance of their allegations will be kept confidential to the greatest extent possible.
- The individual to whom the potential wrongdoing is reported shall investigate and handle the claim in a timely and reasonable manner, which may include referring such information to the Authorities Budget Office or an appropriate law enforcement agency where applicable.
- Should a Fund employee believe in good faith that disclosing information within the Fund pursuant to (a) above would likely subject them to adverse personnel action or be wholly ineffective, the Fund employee may instead disclose the information to the Authorities Budget Office or an appropriate law enforcement agency. The Authorities Budget Office toll-free number is 1-800-560-1770 and should be used in such circumstances.

### No Retaliation or Interference:

- No Fund employee shall retaliate against any whistleblower for the disclosure of potential wrongdoing, whether through threat, coercion, or abuse of authority; and no Fund employee shall interfere with the right of any other Fund employee by any improper means aimed at deterring disclosure or potential wrongdoing. Any attempts at retaliation or interference are strictly prohibited and the below apply as well:
- No Fund employee who in good faith discloses potential violations of the Fund's Code of Ethics or other instances of potential wrongdoing shall suffer harassment, retaliation, or adverse personnel action.
- All allegations of retaliation against a whistleblower or interference with an individual seeking to disclose potential wrongdoing will be thoroughly investigated by the Fund.

<b>Fund Policy &amp; Procedures</b>	<b>Whistleblower Policy</b>
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- d) Any Fund employee who retaliates against or attempts to interfere with any individual for having in good faith disclosed potential violations of this Fund Code of Ethics or other instances of potential wrongdoing is subject to discipline, which may include termination of employment.
- e) Any allegation of retaliation or interference will be taken and rerated seriously and, irrespective of the outcome of the initial complaint, will be treated as a separate matter.

Other Legal Rights Not Impaired:

- a) These policies and procedures are not intended to limit, diminish, or impair any other rights or remedies that an individual may have under the law with respect to disclosing potential wrongdoing free from retaliation or adverse personnel action.
- b) These policies and procedures are not intended to limit any rights or remedies that an individual may have under the laws of the state of New York, including but not limited to the following provisions:
  - i. Civil Service Law §75-b, Labor Law §740, State Finance Law §191 (“The False Claims Act”), and Executive Law §55(1).
  - ii. With respect to any rights or remedies that an individual may have pursuant to Civil Service Law §75-b or Labor Law §740, any employee who wishes to preserve such rights shall, prior to disclosing information to a governmental body, have made a good-faith effort to provide the appointing authority or their designee a reasonable time to take appropriate action, unless there is imminent and serious danger to public health or safety. (See Civil Service Law §75-b(2)(b); Labor Law §740(3)).

**IV. APPENDIX**

N/A

**Workplace Violence Prevention:**

Executive Director Signature:  <i>Ralph Scunziano</i>	Date Issued:  4/25/24	Number of Pages:  6	Appendix Pages:  7-10
Related Laws:  NYS Labor Law § 27-b	Division/Office:  Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations:  12 NYCRR <u>§ 800.6</u>	Standards ():  X		
Regulatory Bulletins & Directives: Risk Factor Assessment; Shared Services Agreement, 2024	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: Gender-Based Violence and the Workplace Policy	Related Forms: Workplace Violence Prevention Program; Workplace Violence Incident or Concern Report Forms		
Supersedes: Workplace-Violence Policy			
Summary: All employees of the Agriculture and New York State Breeding Development fund (Fund), and those members of the public who transact business at the Fund, shall be free from work-related violence, threats of violence, harassment, and intimidation, as well as any other disruptive behavior or disturbance.			

**I. DEFINITION(S)**

Workplace Violence: Any physical assault or acts of aggressive behavior occurring where a public employee performs any work-related duty in the course of employment. (12 NYCRR § 800.6(d)(11)).

## II. POLICY

As a public benefit corporation providing services to the public, employees, vendors, and visitors must be free to pursue organizational purposes uninhibited by fear of violence. Workplace violence causes harm, creates circumstances where such harm might occur, is distracting to the pursuit of mission-related tasks, and it has the inevitable effect of reducing employee morale. All employees are responsible for helping to create an environment of mutual respect, for following policies and procedures in this area and assisting in maintaining a safe and secure work environment. This policy is designed to meet the requirements of NYS Labor Law Article 2, Section 27-b. Additionally, the N.Y.S. Office of Employee Relations' (OER) has developed a training module on prevention of workplace violence, which every Fund employee is required to complete on an annual basis. The module examines the legal and regulatory requirements that each agency must meet in the area of workplace violence prevention. Topics include: risk assessment, remediation of existing risks; preventive measures; and reporting requirements. This training is available through the Statewide Learning Management System (SLMS).

Examples of workplace violence per 12 NYCRR Part 800.6(d)(11) include:

- An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- Intentional and wrongful physical contact with a person without his or her consent that entails some injury;
- Stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

The Fund's Workplace Violence Prevention Program as per NYS Labor Law prohibits acts of violence, including threats, harassment, intimidation and other disruptive behaviors in our workplace, whether by employees, family members, licensees, contractors, or other members of the public. Such behaviors will not be tolerated.

The Workplace Violence Prevention Program also puts in place a variety of measures to provide protection for employees subject to various risks, and procedures to report incidents and use such information to create safer environments in the future.

All reports of incidents will be taken seriously and will be dealt in a manner consistent with our Workplace Violence Prevention Program, using the Workplace Violence Incident or Concern Report Form when applicable.

All employees are expected to cooperate to ensure effective implementation of this policy.

Individuals who commit violations of this policy, including managerial and supervisory personnel who knowingly permit such behavior, may be subject to disciplinary action (including progressive disciplinary principles consistent with labor contracts and civil service law) and/or criminal penalties.

Any employee or other person who observes a violation should report it via a written notice immediately to a supervisor or manager as outlined in the workplace Violence Prevention Program.

Supervisors and managers who receive such reports must inform the Executive Director and/or the Director of Human Resources through the Shared Services Agreement consistent with the appropriate sections of the Fund's Workplace Violence Prevention Program.

Retaliatory action is prohibited against any employee acting in good faith who has made a complaint of workplace violence.

Any possession of firearms, explosives, bladed instruments or other dangerous weapons on Fund property or carried in the Fund workplace are strictly forbidden and may result in discipline and such possession may also violate Article 265 of the Penal Law.

Threats or assaults that require immediate attention by building security or the local police should be reported to local police first by calling 911.

All efforts made by supervisors and management in dealing with violent, threatening, harassing, intimidating or other disruptive behavior in our workplace will be supported, and management will monitor whether this policy is being implemented effectively.

This policy is simultaneously enforceable with the Gender-Based Violence in the Workplace policy. Nevertheless, the privacy standards in each case may be different based on the facts of the incident. Only certain incidents reported are considered private under this policy, whereas reports pursuant to the Gender-Based Violence policy generally remain confidential.

### III. PROCEDURE(S)

The Fund is committed to providing a safe work environment for all employees and maintains zero tolerance for workplace violence. The Fund will promptly respond to any threats, acts of violence, and acts of aggression by employees or against employees by coworkers, members of the public or others. All reported incidents or concerns will be fully investigated, and when appropriate, disciplinary actions, up to and including suspension, termination, and/or referral to law enforcement will be taken.

#### **Risk Assessment:**

In order to assess certain factors and situations that may place employees at risk of workplace violence, the Fund shall establish an Agency Workplace Violence Prevention Committee (AWVPC) with the Gaming Commission through the Shared Services Agreement to conduct surveys of Fund work environments.

The AWVPC shall in accordance with Gaming Commission policies and procedures and have the following responsibilities:

- Create an instrument to facilitate and systematically canvass Fund employees to identify settings or factors that pose a greater degree of workplace violence risk (see attachments);
- Provide recommendations to mitigate potential risk factors to the Executive Director or designee;
- Conduct a review of workplace violence incidents and concerns to identify any trends and review the effectiveness of the mitigating actions taken; and
- Use any relevant data collected to assist the Fund in making amendments or modifications to the Workplace Violence Prevention Program.

#### **Prevention:**

Prevention of workplace violence is the responsibility of every employee. Any employee concerned about behavior that may be an early indicator of potential workplace violence should report such behavior to their supervisor. All managers must report any concerns brought to their attention to the Executive Director and/or the Director of Human Resources through the Shared Services Agreement, who shall evaluate the report and, if necessary, recommend actions to be taken.

All supervisors, in consultation with the Executive Director or the Executive Director's designee shall review risk assessments performed within their areas of responsibility and develop a remediation plan utilizing control methods to mitigate risks wherever practicable. When selecting control methods for the workplace violence risks identified, the agency uses the following hierarchy of controls to select the most effective and permanent control measure: install engineering controls (or changes made to the workplace to control the hazard); modify/adopt administrative controls (or changes to the agency policies and work practices used to prevent the hazard); and provide personal protective equipment (something the employee wears to protect themselves from the hazard). In cases where the engineering control selected involves a capital expenditure which will take significant time to get approved, a temporary administrative control will be put in place as an interim measure until the funding for the engineering control can be approved and the control itself can be installed.

#### **Responding to and Reporting Incidents:**



In the event that a workplace violence incident does occur, it is recommended that the following procedures are followed if possible. **All employees should take their personal safety into consideration while responding to a workplace violence incident.** If an employee has a concern for their personal safety, they should remove themselves from the situation, if possible, and call 911.

- **Non-Emergency Response Procedure:** a non-emergency situation is defined as a situation where: one person, through intimidating words or gestures has induced fear and apprehension of physical or other harm in another person, but there is no immediate danger of such harm being inflicted.
  - Step 1: Employee immediately notifies supervisor.
  - Step 2: Supervisor conducts preliminary inquiry and makes prompt report through the incident reporting email address through the Shared Services Agreement with the Gaming Commission: [wpvreporting@gaming.ny.gov](mailto:wpvreporting@gaming.ny.gov).
  - Step 3(a): if there has been serious misconduct or criminal behavior by an individual, the Division/Bureau/Office head will contact New York State Police and then notify the Executive Director.
  - Step 3(b): If there is no immediate threat of violence or serious misconduct of criminal behavior, the Executive Director or the Director of Human Resources through the Shared Services Agreement will continue the review of the incident and resolve/mediate the matter, including making disciplinary referrals to the Executive Director if appropriate.
  - Step 4: Executive Director or the Director of Human Resources through the Shared Services Agreement ensures that a written summary report of the incident and all actions taken are prepared and submitted within 48 hours of the incident.
  - Step 5: If at any time an emergency situation develops, follow steps for emergency response procedure.
- **Emergency Response Procedures:** a situation is an emergency if: (1) an injury has occurred OR (2) there is an immediate threat of physical harm. You should consider your personal safety first in all emergency situations. If possible, you should use the following response procedure:
  - Step 1: If possible, employee should seek a safe location and call 911.
  - Step 2: Any individuals who become aware of the situation should ensure security/medical assistance has been provided, call 911 if needed, and ensure the needs of injured parties are met if safe to do so. Employee must also immediately notify supervisor of the situation.
  - Step 3: Supervisor will promptly report the incident to the reporting email address through the Shared Services Agreement with the Gaming Commission: [wpvreporting@gaming.ny.gov](mailto:wpvreporting@gaming.ny.gov).
  - Step 4: The Executive Director/Division/Bureau/Office Head/Director of Human Resources through the Shared Services Agreement shall coordinate further response and take additional actions as needed.
  - Step 5: Upon resolution of the emergency, proceed with Non-Emergency Response Procedures, Steps 3-5.

Any employee that has observed or been a victim of workplace violence is required to complete a Workplace Violence Incident or Concern Report Form (Appendix) as soon as possible, but within 48

hours of the incident. Use of the Gaming Commission's forms is through the Fund's Shared Services Agreement with the Gaming Commission. Copies of the form shall be available through the Gaming Commission's Human Resources Office through the Shared Services Agreement and posted on the Gaming Commission's intranet web site.

Supervisors and Division/Bureau/Office Heads that have been informed of any workplace violence incidents shall take steps to ensure that all Workplace Violence Incident or Concern Report Forms have been completed by all necessary employees and have been provided to the Executive Director and/or the Director of Human Resources through the Shared Services Agreement, along with all other relevant information.

#### IV. APPENDIX

**Workplace Violence Incident or Concern Report Form**  
**Send the Completed Form ASAP, but within 48 hours to:**

**NYS Gaming Commission**  
**Office of Human Resources**  
**One Broadway Center, Schenectady, NY 12305**  
**E-Mail: [Human.Resources@gaming.ny.gov](mailto:Human.Resources@gaming.ny.gov) or**  
**Fax #: (518)388-3368**

☐ **Check this box if this is to report any concern regarding potential workplace violence.**

The Gaming Commission policy requires that an affected employee immediately notify supervisory personnel to report a workplace violence incident. Section A of this form must be completed and submitted to a supervisor or other management staff. This form must be submitted to the Office of Human Resources within 48 hours. (See contact information above.)

**SECTION A. TO BE COMPLETED BY EMPLOYEE (a witness to the event may complete a report):**

NAME OF REPORTER (PLEASE PRINT):	TITLE OF REPORTER:
UNIT NAME:	NAME OF SUPERVISOR:
Check if this is a "privacy concern case". This is defined as an injury or illness to the reproductive organs or resulting from a sexual assault, mental illness or HIV infection. Your name will be kept confidential.	
NAME OF VICTIM:	NAME OF ALLEGED PERPETRATOR:
DATE OF INCIDENT: Click here to enter a date.	TIME OF INCIDENT: <input type="checkbox"/> AM <input type="checkbox"/> PM
LOCATION OF INCIDENT (PRIMARY):	LOCATION OF INCIDENT (SECONDARY):
DESCRIPTION OF THE INCIDENT (INCLUDING EVENTS LEADING UP TO THE INCIDENT AND HOW THE INCIDENT ENDED):	
WAS THERE AN INJURY TO STAFF? <input type="checkbox"/> YES <input type="checkbox"/> NO	
IF YES, DESCRIBE WHO WAS INJURED, THE CAUSES OF INJURY (FIST, THROWN OBJECT, ETC.), AND A BRIEF DESCRIPTION OF THE INJURY:	
NAMES AND TITLES OF INDIVIDUAL(S) INVOLVED NOT MENTIONED IN THE INCIDENT DESCRIPTION:	
NAMES AND TITLES OF WITNESSES:	
WAS A SUPERVISOR NOTIFIED? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, NAME OF SUPERVISOR:
WAS LAW ENFORCEMENT CALLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	
IF YES, NAME OF LAW ENFORCEMENT AGENCY?	

LAW ENFORCEMENT CONTACT NAME AND BADGE #:	
LAW ENFORCEMENT CONTACT TELEPHONE #:	
SIGNATURE:	DATE: <a href="#">Click here to enter a date.</a>

SECTION B. TO BE COMPLETED BY NON-INVOLVED SUPERVISOR/MANAGER:	
DATE ORIGINAL NOTIFICATION WAS MADE: <a href="#">Click here to enter a date.</a>	TIME: <input type="checkbox"/> AM <input type="checkbox"/> PM
NAME OF PERSON WHO WAS ORIGINALLY NOTIFIED:	
DATE SECTION A WAS SUBMITTED TO THE SUPERVISOR/MANAGER:	
ACTION TAKEN/WHEN:	
SUPERVISOR/MANAGER SIGNATURE:	DATE:
SECTION C. TO BE COMPLETED BY HUMAN RESOURCES	
TYPE OF INCIDENT (include all that apply): <input type="checkbox"/> PHYSICAL <input type="checkbox"/> THREAT <input type="checkbox"/> STALKING <input type="checkbox"/> OTHER	
WAS THERE AN INJURY? <input type="checkbox"/> YES <input type="checkbox"/> NO	
IF YES, TYPE OF INJURY? Types of injury (include all that apply):	
<input type="checkbox"/> FRACTURE <input type="checkbox"/> LACERATION <input type="checkbox"/> LACERATION REQUIRING SUTURE (OR EQUIVALENT) <input type="checkbox"/> SPRAIN/STRAIN/PULLED MUSCLE <input type="checkbox"/> WOUND FROM FIREARM <input type="checkbox"/> WOUND FROM KNIFE OR OTHER BLADED INSTRUMENT <input type="checkbox"/> INTERNAL INJURY <input type="checkbox"/> DEATH <input type="checkbox"/> OTHER (please identify)	
LOCATION(S) ON BODY:	
SEVERITY:	
<input type="checkbox"/> NO MEDICAL ATTENTION <input type="checkbox"/> FIRST AID <input type="checkbox"/> ER VISIT <input type="checkbox"/> HOSPITALIZATION <input type="checkbox"/> OTHER (please identify)	
RECOMMENDED ACTION:	

Instructions for selected fields on  
Workplace Violence Incident Report Form

**Incident Description** (including events leading up to the incident and how the incident ended):

When writing in this area, focus on what was observed... the “who, what, where, why and how” of the situation. Also, be as concrete as possible. Try to avoid telling what you believed to have happened. Describe what you observed: e.g. “I saw...”, or “I heard...”, etc.

Example:

At 2:00 p.m. I was in the hallway talking with James Young. A man, someone I don’t know, entered the hallway from the stairwell, pushed Jim to the floor, grabbed me and took my wallet from my back pocket. He then ran down the stairwell. We yelled at him. Louise Marks looked out of an office right after it happened and asked, “What was that?”

**Incident Location (Primary):**

Central office  
Regional office (identify)  
Gaming/raceway location (identify)  
Business location (identify)  
Other (identify)

**Incident Location (Secondary):** Include all that apply

Office  
Hallway  
Bathroom  
Stairway  
Employee break room  
Conference room  
Lobby  
Parking lot  
Other

**Locations on Body:** Include all that apply

Head		Leg
	Scalp	Hip
	Face	Thigh
	Neck	Knee
Arm		Shin
	Shoulder	Ankle
	Bicep	Foot
	Forearm	Toe
	Wrist	
	Hand	
	Finger	
Torso		
	Back	
	Chest	
	Stomach	
	Groin	

**Grants Policy:**

Executive Director Signature: <i>Ralph Scunzio</i>	Date Issued: 4/25/24	Number of Pages: 2	Appendix Pages: N/A
Related Laws: Racing, Pari-Mutuel and Wagering Law (PML) §331-332	Division/Office: Executive Director	Contact Office/Bureau/Unit: Executive Director	
Supporting Regulations: N/A	Standards ():  X		
Regulatory Bulletins & Directives: N/A	Local Operating Practice: Required <input type="checkbox"/> N/A <input checked="" type="checkbox"/>		
Related Policies/Procedures: N/A	Related Forms: N/A		
Supersedes: Grants Policy, dated 4/18/18			
Summary: The Agriculture and Horse Breeding Development Fund (Fund) shall establish policies for the administration of grants made by the Fund pursuant to PML §331, which authorize the Fund to “make by-laws for the management and regulation of its affairs.”			

**I. DEFINITION(S)**

N/A

## II. POLICY

This policy affects all Board members and employees of the Fund that review and administer grants. Additionally, this serves to provide guidance to those entities that are interested in applying for a grant with the Fund.

The Fund was created in order to promote the breeding of Standardbred horses and the conduct of equine research in this state on its own responsibility and under its own business management. The Fund is authorized to distribute monies received by it pursuant to the provisions of Racing, Pari-Mutuel and Wagering Law for purposes delineated in such law and no others.

## III. PROCEDURE(S)

### Coordination of Grant Policy and Grant Operations:

- The Fund must be able to monitor and manage all stages of the grant process from funding request to project closeout. Therefore, the Executive Director or their designee is authorized to and is responsible for:
  - Reviewing individual grant requests and those that meet the regulatory and statutory qualifications and forwarding those requests to the Trustees for consideration at a publicly held Board of Trustees meeting;
  - Developing, revising, and distributing to the public the official grants policy and procedures of the Fund;
  - Coordinating the review of grant applications, awards approved by the Trustees of the Fund and major project management decisions associated with awarded grants;
  - Assisting with the interpretation and application of the grant policy;
  - Assisting with and resolving disputes or determinations of financial conflicts of interests; and
  - Assisting with the resolution of disputes between the Fund and grant applicants and/or recipients.
- A completion report is due 30 days after the project ending date. If a completion report was filed with outstanding obligations, a final expenditure report must be submitted no later than 90 days after the project ending date. Failure to submit the required report within 90 days will result in current and subsequent years' project funding being withheld until the report is received;
- Funds for approved grant projects must either be spent or obligated to prior to the end date of the project as stated in the application. If final expenditures are less than the total disbursement, the overpayment must be returned to the Fund unless permission to retain the funds is approved due to extenuating circumstances. Grant recipients will have 45 days to return unspent funds. Failure to return such funds will result in current and subsequent year's funding being withheld until such funds are received.

## IV. APPENDIX

N/A