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Office of Information Technology Services Policy	**No:** ITS-P08-004
ITS Policy: **Gender-Based and Domestic Violence and the Workplace**	**Updated:** 3/30/2026 **Issued By:** NYS Office of Information Technology Services **Owner:** Chief Administration Office

1.0 Purpose and Benefits

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 ITS 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 ITS 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.

ITS, to the fullest extent possible, without violating any existing rules, regulations, statutory requirements, contractual obligations, or collective bargaining

agreements, designates and directs appropriate management, supervisory, and/or human resources staff to implement the following Gender-Based Violence and the Workplace Policy.

2.0 Authority

Section 1 of Executive Order No. 117,[1] issued January 2002, charges the State Chief Information Officer with overseeing and supervising the management and operations of ITS. *Section 102(2) of the State Technology Law* gives the Director of ITS responsibility for the administration of ITS. Details regarding this authority can be found in New York State (NYS) ITS Policy, *NYS-P08-002 Authority to Establish State Enterprise Information Technology (IT) Policy, Standards and Guidelines*.

Sections 3 and 4 of Executive Order No.17, issued April 28, 2022, charges state agencies to formulate and issue a Gender-Based Violence and the Workplace policy (Policy) no later than January 1, 2023. This policy shall give due regard to the importance of increasing awareness of gender-based violence and informing employees of available resources for assistance; clearly specify how to reach to the agency Domestic Violence Agency Liaison; ensuring that personnel policies and procedures are fair to domestic and gender-based violence victims and survivors, and responsive to their needs; developing workplace safety response plans; complying with State and federal law including restrictions of possession of firearms by a person convicted of a domestic violence related crime or subject to an order of protection; encouraging and promoting gender-based violence education and training for employees; and holding accountable employees who misuse state resources or authority or violate their job duties in committing an act of gender-based violence.

3.0 Scope

This policy applies to ITS employees, contractors, and consultants.

4.0 Information Statement

4.1 Statement of Confidentiality

ITS 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 policy without the employee's written informed consent, unless doing so creates a substantial risk of imminent

[1] All references to Executive Order 117 refer to that which was originally issued by Governor George E. Pataki on January 28, 2002 and continued by Executive Order 5 issued by Governor Eliot Spitzer on January 1, 2007, Executive Order 9 issued by Governor David A. Patterson on June 18, 2008, Executive Order 2 issued by Governor Andrew M. Cuomo on January 1, 2011, and Executive Order 6 issued by Governor Kathy Hochul on October 8, 2021.

danger to the victimized employee, other employees, or worksite. Should that circumstance occur, the victimized employee will be given notice of what actions will be taken by ITS 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.

4.2 Agency Responsibilities

4.2.1 Agency

1. ITS shall designate at least one employee as their Domestic Violence Agency Liaison (DVAL). Where possible, the liaison 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.

2. The current contact information for all DVALs and their supervisors must be communicated to OPDV by emailing **workplace@opdv.ny.gov**. Any updates to this information shall be provided within two weeks.

3. The ITS DVAL is currently Erin Neiles, Property Manager 3. In the DVAL's absence, Casey LaQue, Human Resources Specialist 1, will be available. Please see Section 7.0 below for contact information.

4. Employee Awareness:

    a. ITS 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.

    b. ITS 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.

    c. ITS shall include this policy as part of the written materials that are provided to all new employees and shall provide the policy to all employees on an annual basis.

    d. A detailed explanation of employees' rights under this policy shall be given during new employee orientation, including information for contacting the DVAL.

e. If ITS suspects that an employee is a victim of domestic and gender-based violence but the employee has not disclosed victimization, ITS shall refer the employee to:

    i. The DVAL;

    ii. EAP;

    iii. The NYS Domestic and Sexual Violence Hotline (or the statewide hotline for workplace sexual harassment, as may be appropriate); and

    iv. any local programs serving victims of domestic and sexual violence.

f. ITS shall post information on domestic and gender-based violence as outlined below, this Policy, and any additional available resources at the ITS workplace. This information shall be posted in such places where employees are able to utilize the information without having to request it or be seen removing it. Such places include: ITS intranet (Inside Edge), employee newsletters communicated via agency wide email, and common areas (e.g., area outside elevators and restrooms). Information must include sources of assistance, contact information for the DVAL(s), 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.

g. Referrals must be offered to anyone who discloses they are a victim of domestic or gender-based violence, as follows to:

    i. the DVAL;

    ii. EAP;

    iii. The NYS Domestic and Sexual Violence Hotline (or the statewide hotline for workplace sexual harassment, as may be appropriate); and

    iv. any local programs serving victims of domestic and sexual violence.

h. Additional referrals shall be made to the appropriate resources to best meet the employees' needs.

i. ITS shall consider conducting programs and activities throughout the year to increase awareness about domestic and gender-based violence such as:

i. Supply drives for local and domestic and gender-based violence programs

ii. Brown bag lunch discussions

iii. Presentations by local domestic and gender-based programs, the DVALs, or OPDV.

4.2.2 Domestic Violence Agency Liaisons (DVALs):

1. The DVAL's responsibilities include:

2. Ensure agency-wide implementation of, and compliance with this Gender-Based Violence and the Workplace policy.

3. Ensure victimized employees are aware of and understand this policy and their rights.

4. Upon notification that an employee is a victim of domestic or gender-based violence, the DVAL must provide the employee with confidential support services, including referrals to:

   a. EAP;

   b. The NYS Domestic and Sexual Violence Hotline (or the statewide hotline for workplace sexual harassment, as may be appropriate); and

   c. any local programs serving victims of domestic and sexual violence.

5. 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.

6. Ensure that the victimized employee is aware of and receiving any necessary accommodation as outlined in section 4.4 of this policy.

7. 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 ITS.

8. Conduct basic workplace safety strategizing with victimized employees.

9. Serve as the primary contact for OPDV, including reporting bi-annual data.

4.2.3 Chief Administration Office:

1. Chief Administration Office staff shall ensure that ITS 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.

2. Chief Administration Office staff shall ensure that all employees who are required to attend training from OPDV pursuant to the policy complete the required training.

3. Chief Administration Office staff shall ensure that employees receive a copy of this policy upon hire as well annually. This will also include information about how to contact the DVALs and what supportive services are offered by ITS.

4. Chief Administration Office staff shall ensure that any employee who discloses being a victim of domestic or gender-based violence is aware of and receiving any necessary accommodation and shall consult with ITS leadership and Counsel, and OPDV Counsel as appropriate, to address complex cases.

5. Chief Administration Office staff shall assist supervisors and ITS to ensure that all employees who violate this policy are held accountable.

4.2.4 Supervisors:

1. 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 accommodation or time off as discussed below.

2. If any employee discloses being a victim of domestic or gender-based violence, or if the supervisor suspects that the employee may be a victim of domestic or gender-based violence, the Supervisor must refer the employee to:

    a. the DVAL;

    b. EAP;

    c. The NYS Domestic and Sexual Violence Hotline (or the statewide hotline for workplace sexual harassment, as may be appropriate); and

    d. any local programs serving victims of domestic and sexual violence.

3. There is no mandatory reporting of domestic or gender-based violence, unless it may constitute sexual harassment as defined in section 6.

4.3 Non-discrimination and Responsive Personnel Policies

All ITS policies and procedures should be trauma-informed, survivor-centered, and culturally responsive to victims' needs, and should not discriminate. 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. The following is a list of some relevant laws on this topic, as well as additional guidance on personnel policies:

1. Subdivision 34 of section 292 of the Executive Law of New York State establishes persons who qualify as a "victim of domestic violence."

2. Victims of domestic violence are a protected class under New York State Human Rights Law (Executive Law § 296(22)).

    a. Employers may not refuse to hire or license and may not terminate someone solely based on their status as a victim of domestic violence.

    b. Employers may not discriminate against victims of domestic violence in compensation, terms, conditions, or privileges of employment.

    c. Employers must prohibit inquiries about an applicant's status as a current or past victim of domestic violence and may not make any employment decisions based on assumptions or actual knowledge about someone's status as a current or past victim of domestic violence. Employers may inquire about status as a victim of domestic violence in order to provide reasonable accommodations.

3. Employers must allow any employee who has disclosed their 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 leave1 for the following purposes:

    a. to obtain services from a domestic violence shelter, rape crisis center, or other services program;

    b. 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;

c. 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;

d. to file a complaint or domestic incident report with law enforcement;

e. to meet with a district attorney's office;

f. to enroll children in a new school;

g. to address issues relating to technology or financial abuse; or

h. 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.

1. 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.

2. 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 policy.

3. Employees who must be absent to utilize accommodations as listed in this section shall provide their employer with reasonable advanced notice of the absence whenever possible

4. Employers are also required to grant time off, with prior day notification, and may 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 their rights as provided by law.[2] 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 ITS' personnel office or the Attendance and Leave Unit at the Department of Civil Service.

4. Employers should be aware that there may be occurrences when an employee is absent due to incidents of domestic or gender-based violence where they are unable to follow ITS 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. An employer may 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.

5. 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.

6. ITS 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, ITS 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. Employees will be given clear information of performance expectations, priorities, and performance evaluations. Employees should be made aware that not all employees’ requests for resolutions can be accommodated. If a disciplinary process is initiated, special care should be taken

7. to consider all aspects of the victimized employee's situation, and all available options in trying to resolve the performance problems should be exhausted, 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 ITS policy.

8. 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 their potential eligibility for unemployment insurance and ITS 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.3

9. 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.4

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

11. Every employer in New York State must have a policy on sexual harassment prevention, which includes a procedure for the receipt and investigation of complaints of sexual harassment. This policy and procedure should be distributed to new employees and made available to all staff regularly. ITS's sexual harassment and discrimination policy is the New York State Equal Employment Opportunity Handbook which may be found at EEO handbook.

12. 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 to OER via the New York State Employee Discrimination Complaint form located at https://oer.ny.gov, or by contacting an equal employment officer.

13. Any complaint of potential discrimination, whether verbal or written, must be investigated by OER. Furthermore, any supervisory or managerial employee who observes or otherwise becomes aware of conduct of a sexually harassing nature must report such conduct to OER so that it can be investigated. The confidentiality of the complainant shall be maintained to the extent practical.

4.4 Non-Retaliation Policy

ITS 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.

ITS 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 or agency engaging in retaliatory practices may be subject to disciplinary actions. If you believe you have been subject to retaliatory practices, please see Section 4.9: Violations of Policy.

4.5 Workplace safety plans

All ITS policies and procedures should be trauma-informed, survivor-centered, and culturally responsive to victims' needs, and should not discriminate. 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. ITS 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. The following is a list of some relevant laws on this topic, as well as additional guidance on personnel policies:

1. ITS shall comply and assist with enforcement of all known OP.

    a. If requested by the victim, or by law enforcement, ITS will provide any relevant information regarding an alleged order of protection violation.

2. Employees are encouraged to disclose any active orders of protection to the DVAL or designated staff member at their work site. Copies of orders of protection 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 should be made aware that they are responsible for notifying the liaison in the event of a relevant modification or revocation of the OP.

3. When requested by the victim, the DVAL and/or Chief Administration Office staff 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:

    a. Providing front desk security or reception staff with a copy of the Order of Protection with a photo of the perpetrator;

b. Blocking the perpetrator from being entered into the Visitor Management System (VMS)

c. Protocols for reporting to law enforcement;

d. Allowing the employee to work staggered hours, an “off shift”, or move to a different work location, either temporarily or permanently;

e. Temporary reassignment of certain duties, such as overnight travel;

f. Reassignment of parking space;

g. Providing employees an escort for entry and exit from the worksite;

h. Allowing security to escort perpetrator out of the building and off the worksite premises;

i. Working with the employee to address any identified concerns about the use of technology;

j. Assigning a new email account or phone number if the perpetrator has been able to access the existing accounts;

k. Creating a personalized safety plan in consultation with the local domestic or sexual violence program;

l. Allowing the employee to work from an alternate work location until further action is taken, if the employee works directly with the perpetrator; or

m. If an Order of Protection 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.

4. If the circumstances indicate a need for ITS to take steps to increase safety for the victim, other employees, and the workplace, ITS should follow their Workplace Violence Policy.

4.6 Accountability for Employees who Perpetrate Acts of Domestic or Gender-Based Violence

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

1. Used state resources, including time, to commit an act of domestic or gender-based violence;

2. Committed 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

3. Used their 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 disciplinary action.

If ITS 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 and Labor Relations, shall take any and all steps necessary to hold the employee accountable through administrative and/or disciplinary action in accordance with existing collective bargaining agreements, applicable statutes and/or regulations. This should include referrals to Accountability Programs for Person who Cause Harm.

Administrative and/or disciplinary actions may include, but are not limited to:

1. Administrative leave;

2. Cease and desist memo;

3. Removing/modifying chain of supervision pending an official report;

4. Relocation of employee alleged to abuse to another work site;

5. Surrender of work cell phone, laptop, etc.;

6. Mandated participation in an Accountability Programs for Person who Cause Harm; or

7. Termination.

ITS shall determine if administrative action or disciplinary action is warranted, in accordance with existing collective bargaining agreements, relevant statutes, and regulation if ITS 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:

1. the authority to take actions that directly impact victims of gender-based violence domestic violence; and/or

2. actions which 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:

1. negatively impact any victim of gender-based violence;

2. assist a perpetrator in locating a victim;

3. 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 disciplinary 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 (ADID) at OER (https://oer.ny.gov/anti-discrimination-investigations) 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.

4.7 Training

4.7.1 Domestic Violence Agency Liaisons (DVALs):

1. DVALs shall complete an initial one-day training provided by OPDV.

2. DVALs shall attend quarterly meetings hosted by OPDV, which will provide ongoing training and technical assistance to them.

3. 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.

4.7.2 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.

4.7.3 Human Resources:

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

1. Gender-Based Violence and the Workplace training, and

2. Gender-Based Violence Workplace Safety Planning training.

4.7.4 Supervisors:

All employees who are supervisors must participate in an annual Gender-Based Violence and the Workplace training provided by OPDV.

4.7.5 All employees:

ITS employees must participate in an annual Gender-Based Violence and the Workplace training, subject to availability from OPDV, which shall also include an overview of this policy. OPDV will also 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. To request specific training from OPDV, please send an email to workplace@opdv.ny.gov.

4.8 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 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:

1. All incidents of gender-based violence that take place at a workplace, or while the employee is on agency time, shall be documented to the best of the ITS' ability, consistent with applicable law and policy, categorized by domestic violence and sexual violence;

2. The general nature of the incidents that occurred in the workplace;

3. The number of employees who report being a victim of current or past domestic violence;

4. The number of employees who make contact with the liaison with concerns that a co-worker is experiencing domestic violence or gender-based violence;

5. The number of employees who are referred for discipline as a result of violating section IX of this policy;

6. The number of employees who contact the DVALs to request information on domestic violence services;

7. The number of referrals made to domestic violence service providers, employee assistance programs (EAP), or other applicable services;

8. The number of orders of protection that are reported to ITS.

4.9 Violations of Policy

Any employee who would like to report any alleged violations of this policy may do so by contacting OPDV, ITS Chief Administration Officer, the NYS Office for Employee Relations Anti-Discrimination Investigations Division at https://antidiscrminiation.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.

5.0 Compliance

This Policy shall take effect upon publication. Compliance is required with all enterprise policies and standards. ITS may amend its policies and standards at any time; compliance with amended policies and standards is required.

6.0 Definitions of Key Terms

Except for terms defined in this policy, all terms shall have the meanings found in the ITS Glossary.

Term	Definition
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 ITS who has been trained by the Office for the Prevention of Domestic Violence (OPDV) to assist victimized employees; who ensure ITS compliance with the Gender-Based Violence and the Workplace Policy; and who serves as the primary contact for OPDV.

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.

Victim of domestic violence (New York State Social Service Law § 459-a)	1. Any person over the age of sixteen, 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 which 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.
Sexual Harassment:	Consistent with the New York State Human Rights Law, unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when: • Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment; • Such conduct is made either explicitly or implicitly a term or condition of employment; or • Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.
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.

7.0 Contact Information

Submit all inquiries and requests for future enhancements to this policy document to the document's owner at:

Office of Administration
Reference: ITS-P08-004
NYS Office of Information Technology Services
Swan Street Bldg., Core 3, Floor 4
Albany, NY 12223
Telephone: (518) 473-0398
Email: Administration@its.ny.gov

For confidential assistance with a domestic violence matter, please contact the ITS Domestic Violence Liaison:

Erin Neiles: 518-419-2888
Property Manager 3: EmployeeSupport@its.ny.gov

The State of New York Enterprise IT Policies may be found at the following website: https://its.ny.gov/policies

8.0 Revision History

This policy should be reviewed consistent with the requirements set forth in ITS-P24-003 Process for Establishing Information Technology Polices, Standards and Guidelines.

Date	Description of Change	Reviewer
08/01/2008	Issued policy	CIO/OFT
09/28/2010	Revised to include updates to the NYS Human Rights Law, the definition of Intimate Partner, and identify mandatory training.	CIO/OFT
09/28/2011	Scheduled Review Date	CIO/OFT
09/19/2012	Revised – format/logo only	CIO/OFT
09/13/2013	Revised	CIO/OFT
09/13/2014	Scheduled Review	CIO/OFT

02/12/2020	Updated links and HR contact information	OGS HR
03/29/2022	Updated to be consistent with OPDV Domestic Violence policy, changed policy owner from Human Resource Services to Administration	Administration
04/28/2022	Updated to reflect shift in Domestic Violence liaison role from OGS to ITS; updated policy owner	DLA
12/22/2022	Updated in conformance with Executive Order No.17	DLA
3/30/2026	Updated policy owner, DVAL and contact info	CAO

9.0 Related Documents

Employment Opportunity Handbook: https://oer.ny.gov/equal-employment-opportunity-handbook

ITS-P10-005 Workplace Violence Prevention Program