



**STATE OF NEW YORK
DIVISION OF MILITARY AND NAVAL AFFAIRS
330 OLD NISKAYUNA ROAD
LATHAM, NEW YORK 12110-3514**

ANDREW M. CUOMO
GOVERNOR
COMMANDER IN CHIEF

PATRICK A. MURPHY
MAJOR GENERAL
THE ADJUTANT GENERAL

MNAG-TAG

27 JUN 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Sexual Harassment Policy

1. **Applicability:** This policy is applicable to all members assigned to the State's Organized Militia, including the Army National Guard, Air National Guard, Naval Militia, New York Guard, and all State and Federal employees of the Division of Military and Naval Affairs (Division) and Joint Force Headquarters-NY.
2. Sexual harassment is defined as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:
 - a. submission to the conduct is either explicitly or implicitly a term, or condition, of an individual's employment;
 - b. submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
 - c. the conduct has the purpose or effect of unreasonably interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.
3. Our Division will not tolerate sexual harassment by any member or employee. Sexual harassment violates acceptable standards of conduct required of all personnel, reduces mission effectiveness and wastes valuable resources. This commitment to the prevention of sexual harassment in the workplace will include providing appropriate training on sexual harassment issues.
4. Sexual harassment is a form of employee and member misconduct. Any employee or member who is found to have engaged in sexual harassment shall be subject to prompt and appropriate remedial and/or disciplinary action, which may include termination or discharge. Supervisors are required to immediately report instances of sexual harassment, discriminatory treatment, workplace harassment or retaliations. Failure will result in disciplinary action, which may include termination or discharge.

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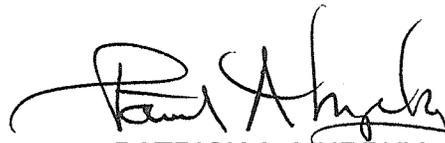
5. All employees and members are required to cooperate fully with any investigation of alleged violations of this policy. An employee or member, who fails to cooperate with an investigation, obstructs an investigation or who intentionally provides false or malicious information during an investigation, may be subject to appropriate disciplinary action.

6. No person shall be discharged, disciplined, discriminated against or otherwise subjected to an adverse employment action on the ground that such person filed a complaint, testified, provided information, or otherwise assisted in any investigation of alleged violations of this policy. Retaliation against any complainant or witness is illegal and any person employed by or a member of the Division who engages in such conduct is subject to disciplinary action and any other consequences the law may provide.

7. Individuals have the right to excel in their position without the threat of sexual harassment or discrimination. A member or employee who believes that he or she has been the victim of sexual harassment or discrimination, or has any knowledge of that kind of behavior, is urged to report such conduct immediately.

a. Federal Employees, Soldiers and Airmen will contact MNHF-EEO, State Equal Employment Manager, CW2 Heather Langley, (518) 786-4733.

b. State Employees and members of the New York Guard and Naval Militia will contact Affirmative Action Officer, Ms. Susan Schmidt, (518) 786-6143 or State Human Resources Director, Ms. Marilyn Hartley, (518) 786-6156.


PATRICK A. MURPHY
Major General, NYARNG
The Adjutant General

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