



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
SUBPOENA AD TESTIFICANDUM
THE PEOPLE OF THE STATE OF NEW YORK
GREETINGS

TO: Dani Lever

YOU ARE HEREBY COMMANDED, pursuant to Executive Law § 63(8) and § 2302(a) of the New York Civil Practice Law and Rules, to appear and attend before the Special Deputies to the First Deputy Attorney General, on April 5, 2021 at 9:30 AM, or any agreed upon adjourned date or time, at One Liberty Plaza, 38th Floor, New York, New York 10006 to testify in connection with an investigation into allegations of and circumstances surrounding sexual harassment claims made against Governor Cuomo, or any matter which the Attorney General deems pertinent thereto.

TAKE NOTICE that the Attorney General deems the testimony commanded by this Subpoena to be relevant and material to an investigation and inquiry undertaken in the public interest.


TAKE NOTICE that the examination may be recorded by stenographic, videographic and/or audio means.

TAKE FURTHER NOTICE that Your disobedience of this Subpoena, by failing to appear and attend and testify on the date, time and place stated above or on any agreed upon adjourned date or time, **may subject You to penalties and other lawful punishment** under § 2308 of the New York Civil Practice Law and Rules and/or other statutes.

EXHIBIT

1

WITNESS, The Honorable Letitia James, Attorney General of the State of New York,
this 24th day of March, 2021.

By: 

Joon H. Kim
Jennifer Kennedy Park
Abena Mainoo
Special Deputies to the
First Deputy Attorney General
[REDACTED]@ag.ny.gov
[REDACTED]@ag.ny.gov
[REDACTED]@ag.ny.gov

By: /s/ Anne L. Clark

Anne L. Clark
Yannick Grant
Special Deputies to the
First Deputy Attorney General
[REDACTED]@ag.ny.gov
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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

SUBPOENA DUCES TECUM
THE PEOPLE OF THE STATE OF NEW YORK
GREETINGS

TO: Dani Lever

YOU ARE HEREBY COMMANDED, under Executive Law § 63(8) and N.Y. Civil Practice Law and Rules § 2302(a), and/or other statutes, to deliver and turn over to the Special Deputies to the First Deputy Attorney General, on **the 5th day of April, 2021, at 9:30 a.m.**, or any agreed upon adjourned date or time, at One Liberty Plaza, 38th Floor, New York, New York 10006, all documents and information requested in the attached Schedule in accordance with the instructions and definitions contained therein.


TAKE NOTICE that the Attorney General deems the documents and information commanded by this Subpoena to be relevant and material to an investigation and inquiry undertaken in the public interest.

TAKE FURTHER NOTICE that Your disobedience of this Subpoena, by failing to deliver the documents and information requested in the attached Schedule on the date, time and place stated above or on any agreed upon adjourned date or time, **may subject You to penalties and other lawful punishment** under § 2308 of the New York Civil Practice Law and Rules and other statutes.

EXHIBIT

2

WITNESS, The Honorable Letitia James, Attorney General of the State of New York, this 24th day of March, 2021.

By: 

Joon H. Kim
Jennifer Kennedy Park
Abena Mainoo
Special Deputies to the
First Deputy Attorney General
[REDACTED]@ag.ny.gov
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By: /s/ Anne L. Clark

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Yannick Grant
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SCHEDULE

A. General Definitions and Rules of Construction

1. “All” means each and every.
2. “Any” means any and all.
3. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Subpoena all information or Documents that might otherwise be construed to be outside of its scope.
4. “Communication” means any conversation, discussion, letter, email, call, text message, instant message, memorandum, meeting, note or other transmittal of information or message, whether transmitted in writing, orally, electronically or by any other means, and shall include any Document that abstracts, digests, transcribes, records or reflects any of the foregoing.
5. “Concerning” means, directly or indirectly, in whole or in part, relating to, referring to, describing, evidencing or constituting.
6. “Custodian” means any Person or Entity that, as of the date of this Subpoena, maintained, possessed, or otherwise kept or controlled such Document.
7. “Document” is used herein in the broadest sense of the term and means all records and other tangible media of expression of whatever nature however and wherever created, produced or stored (manually, mechanically, electronically or otherwise), including without limitation all versions whether draft or final, all annotated or nonconforming or other copies, electronic mail (“email”), instant messages, text messages, Blackberry or other wireless device messages, voicemail, calendars, date books, appointment books, diaries, books, papers, files, notes, confirmations, accounts statements, correspondence, memoranda, reports, records, journals, registers, analyses, code (*e.g.*, C/C++/C#, SQL, JavaScript), algorithms, code repositories (*e.g.*, GitHub), commit messages, audit logs, data or databases (*e.g.*, Oracle, postgres or other SQL or non-SQL systems), plans, manuals, policies, telegrams, faxes, telexes, wires, telephone logs, telephone messages, message slips, minutes, notes or records or transcriptions of conversations or Communications or meetings, tape recordings, videotapes, disks, and other electronic media, microfilm, microfiche, storage devices, press releases, contracts, agreements, notices and summaries. Any non-identical version of a Document constitutes a separate Document within this definition, including without limitation drafts or copies bearing any notation, edit, comment, marginalia, underscoring, highlighting, marking, commit messages, or any other alteration of any kind resulting in any difference between two or more otherwise identical Documents. In the case of Documents bearing any notation or other marking made by highlighting ink, the term Document means the original version bearing the highlighting ink, which original must be produced as opposed to any copy

thereof.

8. “Entity” means without limitation any corporation, company, limited liability company or corporation, partnership, limited partnership, association, or other firm or similar body, or any unit, division, agency, department, or similar subdivision thereof.
9. “Identify” or “Identity,” as applied to any Document means the provision in writing of information sufficiently particular to enable the Attorney General to request the Document’s production through subpoena or otherwise, including but not limited to: (a) Document type (letter, memo, etc.); (b) Document subject matter; (c) Document date; and (d) Document author(s), addressee(s) and recipient(s). In lieu of identifying a Document, the Attorney General will accept production of the Document, together with designation of the Document’s Custodian, and identification of each Person You believe to have received a copy of the Document.
10. “Identify” or “Identity,” as applied to any Entity, means the provision in writing of such Entity’s legal name, any d/b/a, former, or other names, any parent, subsidiary, officers, employees, or agents thereof, and any address(es) and any telephone number(s) thereof.
11. “Identify” or “Identity,” as applied to any natural person, means and includes the provision in writing of the natural person’s name, title(s), position(s), any aliases, place(s) of employment, telephone number(s), email address(es), mailing addresses and physical address(es).
12. “Person” means any natural person, or any Entity.
13. “Sent” or “received” as used herein means, in addition to their usual meanings, the transmittal or reception of a Document by physical, electronic or other delivery, whether by direct or indirect means.
14. “Subpoena” means this subpoena and any schedules or attachments thereto.
15. The use of the singular form of any word used herein shall include the plural and vice versa. The use of any tense of any verb includes all other tenses of the verb.

B. Particular Definitions

1. “Complainant” means Jessica Bakeman, Charlotte Bennett, Lindsey Boylan, Karen Hinton, Ana Liss, Alyssa McGrath, Anna Ruch, and any other individual who has made any Complaints known to You, any other member of the Executive Chamber, or the public. For the avoidance of doubt, to the extent additional allegations come to light following the issuance of this Subpoena, individuals who make such allegations should be included in the definition of “Complainant.”

2. “Complaint” means any and all complaints, allegations, comments, accusations, or other statements of workplace misconduct, sexual harassment, sex- or gender-based misconduct, or other behavior or comments of a sexual, abusive or otherwise inappropriate or uncomfortable nature, whether made formally or informally.
3. “Executive Chamber” means the Executive Chamber of the State of New York, including but not limited to Governor Andrew M. Cuomo, and all other officers, directors, supervisors, personnel, employees, secretaries, interns, fellows, agents, contractors, consultants, representatives, and attorneys of the Executive Chamber, or any other Persons associated with or acting on behalf of the foregoing, or acting on behalf of any predecessors, successors, or affiliates of the foregoing at any point during the relevant time.
4. “Executive Office” means any office within the New York State government in which employees and officers work directly with, work under the control of, answer to, or maintain direct contact with the Governor. This includes offices in Albany, Manhattan, and anywhere else in New York State.
5. “Governor” means the New York State Governor Andrew M. Cuomo.
6. “New York Attorney General” or “Attorney General” means the New York State Office of the Attorney General, including Letitia James.
7. “Respondent,” “You,” or “Your” means Dani Lever, in either an official or individual capacity.
8. “State” or “New York” means the State of New York.

C. Instructions

1. Preservation of Relevant Documents and Information; Spoliation. You are reminded of Your obligations under law to preserve Documents and information relevant or potentially relevant to this Subpoena from destruction or loss, and of the consequences of, and penalties available for, spoliation of evidence. No agreement, written or otherwise, purporting to modify, limit or otherwise vary the terms of this Subpoena, shall be construed in any way to narrow, qualify, eliminate or otherwise diminish Your aforementioned preservation obligations. Nor shall You act, in reliance upon any such agreement or otherwise, in any manner inconsistent with Your preservation obligations under law. No agreement purporting to modify, limit or otherwise vary Your preservation obligations under law shall be construed as in any way narrowing, qualifying, eliminating or otherwise diminishing such aforementioned preservation obligations, nor shall You act in reliance upon any such agreement, unless a Special Deputy to the First Deputy Attorney General confirms or acknowledges such agreement in writing, or makes such agreement a matter of record in open court.

2. Possession, Custody, and Control. The Subpoena calls for all responsive Documents or information in Your possession, custody or control. This includes, without limitation, Documents or information possessed or held by You or any of Your officers, directors, employees, agents, representatives, consultants, divisions, affiliates, subsidiaries or Persons from whom You could request Documents or information. If Documents or information responsive to a request in this Subpoena are in Your control, but not in Your possession or custody, You shall promptly Identify the Person with possession or custody and notify that Person of the Person's obligation to preserve such Documents and provide them to You for production.
3. Documents No Longer in Your Possession. If any Document requested herein was formerly in Your possession, custody or control but is no longer available, or no longer exists, You shall submit a statement in writing under oath that: (a) describes in detail the nature of such Document and its contents; (b) Identifies the Person(s) who prepared such Document and its contents; (c) Identifies all Persons who have seen or had possession of such Document; (d) specifies the date(s) on which such Document was prepared, transmitted or received; (e) specifies the date(s) on which such Document became unavailable; (f) specifies the reason why such Document is unavailable, including without limitation whether it was misplaced, lost, destroyed or transferred; and if such Document has been destroyed or transferred, the conditions of and reasons for such destruction or transfer and the Identity of the Person(s) requesting and performing such destruction or transfer; and (g) Identifies all Persons with knowledge of any portion of the contents of the Document.
4. No Documents Responsive to Subpoena Requests. If there are no Documents responsive to any particular Subpoena request, You shall so state in writing under oath in the Affidavit of Compliance attached hereto, identifying the paragraph number(s) of the Subpoena request concerned.
5. Format of Production. You shall produce Documents and information responsive to this Subpoena in the format requested by the Office of the New York State Attorney General, as set out in Attachments 1 and 2 or as otherwise agreed upon.
6. Databases. To the extent that any data responsive to the requests herein is maintained in an electronic repository of records, such as a detailed transcription report, such information should be produced by querying the database for responsive information and generating a report or a reasonably usable and exportable electronic file (for example, *.csv and/or *.xls formats) for review. If it is not possible to export data in this format, You must make the database available to the undersigned for meaningful inspection and review of the information.
7. Existing Organization of Documents to be Preserved. Regardless of whether a production is in electronic or paper format, each Document shall be produced in the same form, sequence, organization or other order or layout in which it was

maintained before production, including but not limited to production of any Document or other material indicating filing or other organization. Such production shall include without limitation any file folder, file jacket, cover or similar organizational material, as well as any folder bearing any title or legend that contains no Document. Likewise, all Documents that are physically attached to each other in Your files shall remain so attached in any production; or if such production is electronic, shall be accompanied by notation or information sufficient to indicate clearly such physical attachment.

8. Manner of Compliance – Custodians/Search Terms/Technology-Assisted Review. Prior consultation with the Special Deputies to the First Deputy Attorney General is required concerning selection of custodians for document searches (whether electronic or otherwise) or for use of search term filters, predictive coding or other forms of technology-assisted review. The Office of the Attorney General reserves the right to approve, disapprove, modify or supplement any proposed list of custodians, search terms, and/or review methodology. The selection or use of custodians, search term filters, and/or technology-assisted review in no way relieves You of Your obligation to fully respond to these requests for Documents or information.
9. Document Numbering. All Documents responsive to this Subpoena, regardless of whether produced or withheld on ground of privilege or other legal doctrine, and regardless of whether production is in electronic or paper format, shall be numbered in the lower right corner of each page of such Document, without disrupting or altering the form, sequence, organization or other order or layout in which such Documents were maintained before production. Such number shall comprise a prefix containing the producing Person's name or an abbreviation thereof, followed by a unique, sequential, identifying document control number.
10. Privilege Placeholders. For each Document withheld from production on ground of privilege or other legal doctrine, regardless of whether a production is electronic or in hard copy, You shall insert one or more placeholder page(s) in the production bearing the same document control number(s) borne by the Document withheld, in the sequential place(s) originally occupied by the Document before it was removed from the production.
11. Privilege. If You withhold or redact any Document responsive to this Subpoena on ground of any privilege or other legal doctrine, You shall submit with the Documents produced a statement in writing under oath, stating: (a) the document control number(s) of the Document withheld or redacted; (b) the type of Document; (c) the date of the Document; (d) the author(s) and recipient(s) of the Document; (e) the general subject matter of the Document; and (f) the legal ground for withholding or redacting the Document. If the legal ground for withholding or redacting the Document is attorney-client privilege, You shall indicate the name of the attorney(s) whose legal advice is sought or provided in the Document.

12. Your Production Instructions to Be Produced. You shall produce a copy of all written or otherwise recorded instructions prepared by You concerning the steps taken to respond to this Subpoena. For any unrecorded instructions given, You shall provide a written statement under oath from the Person(s) who gave such instructions that details the specific content of the instructions and any Person(s) to whom the instructions were given.
13. Cover Letter, Index, and Identifying Information. Accompanying any production(s) made pursuant to this Subpoena, You shall include a cover letter that shall at a minimum provide an index containing the following: (a) a description of the type and content of each Document produced therewith; (b) the paragraph number(s) of the Subpoena request(s) to which each such Document is responsive; (c) the Identity of the Custodian(s) of each such Document; and (d) the document control number(s) of each such Document. As further set forth in Attachment 2, information must also be included in the metadata and load files of each production concerning the identity of each Document's custodian, as well as information identifying the particular Document requests and/or information to which each document is responsive.
14. Affidavit of Compliance. A copy of the Affidavit of Compliance provided herewith shall be completed and executed by all natural persons supervising or participating in compliance with this Subpoena, and You shall submit such executed Affidavit(s) of Compliance with Your response to this Subpoena.
15. Identification of Persons Preparing Production. In a schedule attached to the Affidavit of Compliance provided herewith, You shall Identify the natural person(s) who prepared or assembled any productions or responses to this Subpoena. You shall further Identify the natural person(s) under whose personal supervision the preparation and assembly of productions and responses to this Subpoena occurred. You shall further Identify all other natural person(s) able to competently testify: (a) that such productions and responses are complete and correct to the best of such person's knowledge and belief; and (b) that any Documents produced are authentic, genuine and what they purport to be.
16. Continuing Obligation to Produce. This Subpoena imposes a continuing obligation to produce the Documents and information requested. Documents located or created, and information learned, acquired or created, at any time after Your response is due shall be promptly produced at the place specified in this Subpoena.
17. No Oral Modifications. No agreement purporting to modify, limit or otherwise vary this Subpoena shall be valid or binding, and You shall not act in reliance upon any such agreement, unless a Special Deputy to the First Deputy Attorney General confirms or acknowledges such agreement in writing, or makes such agreement a matter of record in open court.

18. Time Period. Unless otherwise specified, the time period covered by this Subpoena shall be from January 1, 2013 forward.

D. Documents to Be Produced

1. Any and all Documents related to any Complaints concerning the Governor, including investigations thereof.
2. Any and all Documents concerning Communications with or about a Complainant.
3. Any and all Documents reflecting Communications between the Governor and any Complainant.
4. Any and all Documents concerning a Complainant's attendance at an event, appointment, or meeting at which the Governor was or would be present, including any at the Executive Offices or the Governor's Mansion.
5. Any and all Documents concerning any change in the position, title, employment, or office of any Complainant.
6. Any and all Documents concerning Communications with the media and public statements about the Complainants or Complaints concerning the Governor.
7. Any and all Documents relating to how to respond to Complaints concerning the Governor, including the nature of any investigations to be conducted about such Complaints.
8. Any and all Documents concerning Communications about Complaints related to the Governor.
9. Any and all Documents concerning retention or deletion of records within the Executive Chamber, including but not limited to Communications between members, statements, or policies regarding the deletion of emails, use of Blackberry instant messaging, and other means of communication.
10. Documents sufficient to identify Your employment history, beginning with Your employment by the Executive Chamber and up to the present day, including

but not limited to the time period of Your employment, Your title(s), Your position(s), Your responsibilities, and Your direct supervisor(s) for each position.

11. A list of all Your electronic devices used for any Communication related to the Executive Chamber or the Governor, whether personally owned or supplied to you by the Executive Chamber or the State.

12. A list of all Your email addresses or phone numbers used for any Communication related to the Executive Chamber or the Governor.

ATTACHMENT 1
Electronic Document Production Specifications

Unless otherwise specified and agreed to by the Office of Attorney General, all responsive documents must be produced in LexisNexis® Concordance® format in accordance with the following instructions. Any questions regarding electronic document production should be directed to the Special Deputy to the First Deputy Attorney General whose telephone number appears on the subpoena.

1. **Concordance Production Components.** A Concordance production consists of the following component files, which must be produced in accordance with the specifications set forth below in Section 7.
 - A. ***Metadata Load File.*** A delimited text file that lists in columnar format the required metadata for each produced document.
 - B. ***Extracted or OCR Text Files.*** Document-level extracted text for each produced document or document-level optical character recognition (“OCR”) text where extracted text is not available.
 - C. ***Single-Page Image Files.*** Individual petrified page images of the produced documents in tagged image format (“TIF”), with page-level Bates number endorsements.
 - D. ***Opticon Load File.*** A delimited text file that lists the single-page TIF files for each produced document and defines (i) the relative location of the TIF files on the production media and (ii) each document break.
 - E. ***Native Files.*** Native format versions of non-printable or non-print friendly produced documents.
2. **Production Folder Structure.** The production must be organized according to the following standard folder structure:
 - data\ (contains production load files)
 - images\ (contains single-page TIF files, with subfolder organization)
 \0001, \0002, \0003...
 - native_files\ (contains native files, with subfolder organization)
 \0001, \0002, \0003...
 - text\ (contains text files, with subfolder organization)
 \0001, \0002, \0003...
3. **De-Duplication.** You must perform global de-duplication of stand-alone documents and email families against any prior productions pursuant to this or previously related subpoenas.
4. **Paper or Scanned Documents.** Documents that exist only in paper format must be scanned to single-page TIF files and OCR’d. The resulting electronic files should

be pursued in Concordance format pursuant to these instructions. You must contact the Special Deputy to the First Deputy Attorney General whose telephone number appears on the subpoena to discuss (i) any documents that cannot be scanned, and (ii) how information for scanned documents should be represented in the metadata load file.

5. Structured Data. Before producing structured data, including but not limited to relational databases, transactional data, and xml pages, you must first speak to the Special Deputy to the First Deputy Attorney General whose telephone number appears on the subpoena. Structured data is data that has a defined length and format and includes, but is not limited to, relational databases, graphical databases, JSON files, or xml/html pages.

A. Relational Databases

1. Database tables should be provided in CSV or other delimited machine-readable, non-proprietary format, with each table in a separate data file. The preferred delimiter is a vertical bar “|”. If after speaking with the Special Deputy to the First Deputy Attorney General and it is determined that the data cannot be exported from a proprietary database, then the data can be produced in the proprietary format so long as the Office of the Attorney General is given sufficient access to that data.
2. Each database must have an accompanying Data Dictionary.
3. Dates and numbers must be clearly and consistently formatted and, where relevant, units of measure should be explained in the Data Dictionary.
4. Records must contain clear, unique identifiers, and the Data Dictionary must include explanations of how the files and records relate to one another.
5. Each data file must also have an accompanying summary file that provides total row counts for the entire dataset and total row counts.

B. Compression

1. If Documents are provided in a compressed archive, only standard lossless compression methods (e.g., gzip, bzip2, and ZIP) shall be used. Media files should be provided in their original file format, with metadata preserved and no additional lossy encoding applied.

6. Media and Encryption. All documents must be produced on CD, DVD, or hard-drive media. After consultation with the Special Deputy to the First Deputy Attorney General, Documents may also be produced over a secure file transfer protocol (FTP) or a pre-approved cloud-based platform (e.g., Amazon Web Services S3 bucket). All production media must be protected with a strong, randomly generated password containing at least 16 alphanumeric characters and encrypted using Advanced Encryption Standard with 256-bit key length (AES-256). Passwords for electronic documents, files, compressed archives and encrypted media must be provided separately from the media.

7. Production File Requirements.
 - A. ***Metadata Load File***
 - Required file format:
 - ASCII or UTF-8
 - Windows formatted CR + LF end of line characters, including full CR + LF on last record in file.
 - .dat file extension
 - Field delimiter: (ASCII decimal character 20)
 - Text Qualifier: þ (ASCII decimal character 254). Date and pure numeric value fields do not require qualifiers.
 - Multiple value field delimiter: ; (ASCII decimal character 59)
 - The first line of the metadata load file must list all included fields. All required fields are listed in Attachment 2.
 - Fields with no values must be represented by empty columns maintaining delimiters and qualifiers.
 - ***Note:*** All documents must have page-level Bates numbering (except documents produced only in native format, which must be assigned a document-level Bates number). The metadata load file must list the beginning and ending Bates numbers (BEGDOC and ENDDOC) for each document. For document families, including but not limited to emails and attachments, compound documents, and uncompressed file containers, the metadata load file must also list the Bates range of the entire document family (ATTACHRANGE), beginning with the first Bates number (BEGDOC) of the “parent” document and ending with the last Bates number (ENDDOC) assigned to the last “child” in the document family.
 - Date and Time metadata must be provided in separate columns.
 - Accepted date formats:
 - mm/dd/yyyy
 - yyyy/mm/dd
 - yyyymmdd
 - Accepted time formats:
 - hh:mm:ss (if not in 24-hour format, you must indicate am/pm)

- hh:mm:ss:mmm

B. ***Extracted or OCR Text Files***

- You must produce individual document-level text files containing the full extracted text for each produced document.
- When extracted text is not available (for instance, for image-only documents) you must provide individual document-level text files containing the document's full OCR text.
- The filename for each text file must match the document's beginning Bates number (BEGDOC) listed in the metadata load file.
- Text files must be divided into subfolders containing no more than 500 to 1000 files.

C. ***Single-Page Image Files (Petrified Page Images)***

- Where possible, all produced documents must be converted into single-page tagged image format ("TIF") files. See Section 7.E below for instructions on producing native versions of documents you are unable to convert.
- Image documents that exist only in non-TIF formats must be converted into TIF files. The original image format must be produced as a native file as described in Section 7.E below.
- For documents produced only in native format, you must provide a TIF placeholder that states "Document produced only in native format."
- Each single-page TIF file must be endorsed with a unique Bates number.
- The filename for each single-page TIF file must match the unique page-level Bates number (or document-level Bates number for documents produced only in native format).
- Required image file format:
 - CCITT Group 4 compression
 - 2-Bit black and white
 - 300 dpi
 - Either .tif or .tiff file extension.
- TIF files must be divided into subfolders containing no more than 500 to 1000 files. Where possible documents should not span multiple subfolders.

D. ***Opticon Load File***

- Required file format:
 - ASCII
 - Windows formatted CR + LF end of line characters
 - Field delimiter: , (ASCII decimal character 44)
 - No Text Qualifier
 - .opt file extension

- The comma-delimited Opticon load file must contain the following seven fields (as indicated below, values for certain fields may be left blank):
 - ALIAS or IMAGEKEY – the unique Bates number assigned to each page of the production.
 - VOLUME – this value is optional and may be left blank.
 - RELATIVE PATH – the filepath to each single-page image file on the production media.
 - DOCUMENT BREAK – defines the first page of a document. The only possible values for this field are “Y” or blank.
 - FOLDER BREAK – defines the first page of a folder. The only possible values for this field are “Y” or blank.
 - BOX BREAK – defines the first page of a box. The only possible values for this field are “Y” or blank.
 - PAGE COUNT – this value is optional and may be left blank.
- **Example:**
 ABC00001,,IMAGES\0001\ABC00001.tif,Y,,,2
 ABC00002,,IMAGES\0001\ABC00002.tif,,,,
 ABC00003,,IMAGES\0002\ABC00003.tif,Y,,,1
 ABC00004,,IMAGES\0002\ABC00004.tif,Y,,,1

E. ***Native Files***

- Non-printable or non-print friendly documents (including but not limited to spreadsheets, audio files, video files and documents for which color has significance to document fidelity) must be produced in their native format.
- The filename of each native file must match the document’s beginning Bates number (BEGDOC) in the metadata load file and retain the original file extension.
- For documents produced only in native format, you must assign a single document-level Bates number and provide an image file placeholder that states “Document produced only in native format.”
- The relative paths to all native files on the production media must be listed in the NATIVEFILE field of the metadata load file.
- Native files that are password-protected must be decrypted prior to conversion and produced in decrypted form. In cases where this cannot be achieved the document’s password must be listed in the metadata load file. The password should be placed in the COMMENTS field with the format Password: <PASSWORD>.
- You may be required to supply a software license for proprietary documents produced only in native format.

ATTACHMENT 2
Required Fields for Metadata Load File

FIELD NAME	FIELD DESCRIPTION	FIELD VALUE EXAMPLE¹
DOCID	Unique document reference (can be used for de-duplication).	ABC0001 or ###.#####.###
BEGDOC	Bates number assigned to the first page of the document.	ABC0001
ENDDOC	Bates number assigned to the last page of the document.	ABC0002
BEGATTACH	Bates number assigned to the first page of the parent document in a document family (<i>i.e.</i> , should be the same as BEGDOC of the parent document, or PARENTDOC).	ABC0001
ENDATTACH	Bates number assigned to the last page of the last child document in a family (<i>i.e.</i> , should be the same as ENDDOC of the last child document).	ABC0008
ATTACHRANGE	Bates range of entire document family.	ABC0001 - ABC0008
PARENTDOC	BEGDOC of parent document.	ABC0001
CHILDDOCS	List of BEGDOCs of all child documents, delimited by ";" when field has multiple values.	ABC0002; ABC0003; ABC0004...
DOCREQ	List of particular Requests for Documents to be Produced in the subpoena	1; 2; 3 . . .
INTERROG	List of particular Requests for Information or interrogatories in the subpoena	1; 2; 3 . . .
COMMENTS	Additional document comments, such as passwords for encrypted files.	

¹ Examples represent possible values and not required format unless the field format is specified in Attachment 1.

NATIVEFILE	Relative file path of the native file on the production media.	.\Native_File\Folder\...\BE GDOC.ext
SOURCE	For scanned paper records this should be a description of the physical location of the original paper record. For loose electronic files this should be the name of the file server or workstation where the files were gathered.	Company Name, Department Name, Location, Box Number...
CUSTODIAN	Owner of the document or file.	Firstname Lastname, Lastname, Firstname, User Name; Company Name, Department Name...
FROM	Sender of the email.	Firstname Lastname < FLastname @domain >
TO	All to: members or recipients, delimited by ";" when field has multiple values.	Firstname Lastname < FLastname @domain >; Firstname Lastname < FLastname @domain >; ...
CC	All cc: members, delimited by ";" when field has multiple values.	Firstname Lastname < FLastname @domain >; Firstname Lastname < FLastname @domain >; ...
BCC	All bcc: members, delimited by ";" when field has multiple values	Firstname Lastname < FLastname @domain >; Firstname Lastname < FLastname @domain >; ...
SUBJECT	Subject line of the email.	
DATERCVD	Date that an email was received.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd
TIMERCVD	Time that an email was received.	hh:mm:ss AM/PM or hh:mm:ss
DATESENT	Date that an email was sent.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd

TIMESENT	Time that an email was sent.	hh:mm:ss AM/PM or hh:mm:ss
CALBEGDATE	Date that a meeting begins.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd
CALBEGTIME	Time that a meeting begins.	hh:mm:ss AM/PM or hh:mm:ss
CALENDDATE	Date that a meeting ends.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd
CALENDTIME	Time that a meeting ends.	hh:mm:ss AM/PM or hh:mm:ss
CALENDAR DUR	Duration of a meeting in hours.	0.75, 1.5...
ATTACHMENTS	List of filenames of all attachments, delimited by ";" when field has multiple values.	AttachmentFileName.; AttachmentFileName.doc x; AttachmentFileName.pdf; ...
NUMATTACH	Number of attachments.	1, 2, 3, 4...
RECORDTYPE	General type of record.	IMAGE; LOOSE E- MAIL; E-MAIL; E-DOC; IMAGE ATTACHMENT; LOOSE E-MAIL ATTACHMENT; E- MAIL ATTACHMENT; E-DOC ATTACHMENT
FOLDERLOC	Original folder path of the produced document.	Drive:\Folder\...\...\
FILENAME	Original filename of the produced document.	Filename.ext
DOCEXT	Original file extension.	html, xls, pdf
DOCTYPE	Name of the program that created the produced document.	Adobe Acrobat, Microsoft Word, Microsoft Excel, Corel WordPerfect...
TITLE	Document title (if entered).	
AUTHOR	Name of the document author.	Firstname Lastname; Lastname, First Name; FLastname
REVISION	Number of revisions to a document.	18

DATECREATED	Date that a document was created.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd
TIMECREATED	Time that a document was created.	hh:mm:ss AM/PM or hh:mm:ss
DATEMOD	Date that a document was last modified.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd
TIMEMOD	Time that a document was last modified.	hh:mm:ss AM/PM or hh:mm:ss
FILESIZE	Original file size in bytes.	128, 512, 1024...
PGCOUNT	Number of pages per document.	1, 2, 10, 100...
IMPORTANCE	Email priority level if set.	Low, Normal, High
TIFFSTATUS	Generated by the Law Pre-discovery production tool (leave blank if inapplicable).	Y, C, E, W, N, P
DUPSTATUS	Generated by the Law Pre-discovery production tool (leave blank if inapplicable).	P
MD5HASH	MD5 hash value computed from native file (a/k/a file fingerprint).	BC1C5CA6C1945179FE E144F25F51087B
SHA1HASH	SHA1 hash value	B68F4F57223CA7DA358 4BAD7ECF111B8044F86 31
MSGINDEX	Email message ID	

AFFIDAVIT OF COMPLIANCE WITH SUBPOENA

State of _____ }
County of _____ }

I, _____, being duly sworn, state as follows:

1. I am employed by Respondent in the position of _____
_____;
2. Respondent’s productions and responses to the Subpoena of the Attorney General of the State of New York, dated _____, 20_____ (the “Subpoena”) were prepared and assembled under my personal supervision;
3. I made or caused to be made a diligent, complete and comprehensive search for all Documents and information requested by the Subpoena, in full accordance with the instructions and definitions set forth in the Subpoena;
4. Respondent’s productions and responses to the Subpoena are complete and correct to the best of my knowledge and belief;
5. No Documents or information responsive to the Subpoena have been withheld from Respondent’s production and response, other than responsive Documents or information withheld on the basis of a legal privilege or doctrine;
6. All responsive Documents or information withheld on the basis of a legal privilege or doctrine have been identified on a privilege log composed and produced in accordance with the instructions in the Subpoena;
7. The Documents contained in Respondent’s productions and responses to the Subpoena are authentic, genuine and what they purport to be;
8. Attached is a true and accurate record of all persons who prepared and assembled any productions and responses to the Subpoena, all persons under whose personal supervision the preparation and assembly of productions and responses to the Subpoena occurred, and all persons able competently to testify: (a) that such productions and responses are complete and correct to the best of such person’s knowledge and belief; and (b) that any Documents produced are authentic, genuine and what they purport to be; and

9. Attached is a true and accurate statement of those requests under the Subpoena as to which no responsive Documents were located in the course of the aforementioned search.

Signature of Affiant

Date

Printed Name of Affiant

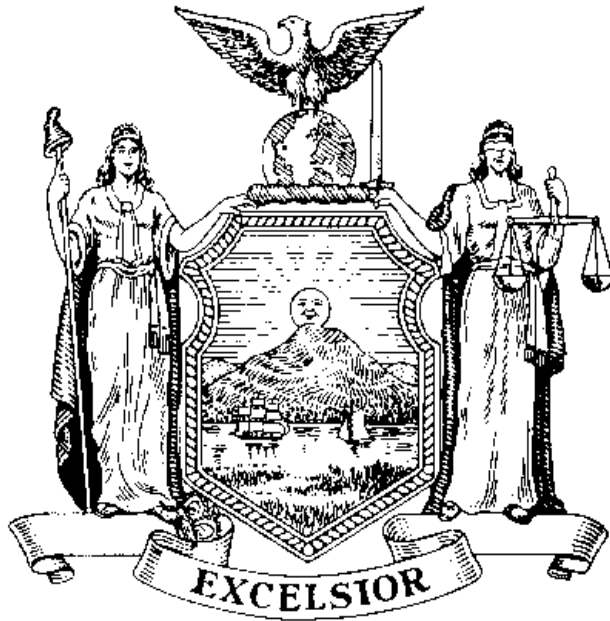
* * *

Subscribed and sworn to before me this _____ day of _____, 20__.

_____, Notary Public

My commission expires: _____

**STATE OF NEW YORK
EXECUTIVE DEPARTMENT**



**EQUAL EMPLOYMENT OPPORTUNITY
In New York State**

RIGHTS AND RESPONSIBILITIES

A Handbook for Employees of New York State Agencies

**Andrew M. Cuomo
Governor**

December 2018

EXHIBIT

3

EMPLOYEE RIGHTS AND RESPONSIBILITIES

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EMPLOYEE RIGHTS AND RESPONSIBILITIES

INTRODUCTION

New York State has long been committed to the proposition that all individuals in the State should have an equal opportunity to enjoy a full and productive life, including in their occupational pursuits. Under New York State's Human Rights Law, the first of its kind in the nation, employees are protected from acts of bias, harassment, prejudice and discrimination. Such acts have no place in the workplace, State or otherwise.

All State employees have the right to be free from unlawful discrimination as well as the responsibility to assure that their actions do not contribute to an atmosphere in which the State's policy of promoting a bias-free work environment is frustrated. This also applies to interns. This Handbook is intended to provide employees and interns of the State of New York with information on their rights and responsibilities under state and federal law with respect to equal employment opportunity. Emphasis will be placed on New York State's Human Rights Law because the protections it provides are generally greater than those granted under federal law. In addition, this Handbook will cover related state laws and Executive Orders.

This Handbook does not cover agency-specific policies and procedures related to discrimination. That information is provided to employees by their respective agencies.

EMPLOYEE RIGHTS AND RESPONSIBILITIES

PROTECTED AREAS

The Human Rights Law (“Law”) applies to all State agencies and employees and provides very broad anti-discrimination coverage. The Law provides, in section 296.1(a), that it is an unlawful discriminatory practice “[f]or an employer or licensing agency, because of the age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, familial status, marital status or domestic violence victim status of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment. Persons with disabilities, and persons with pregnancy-related conditions, are entitled to reasonable accommodation as provided in section 296.3.

Accommodation of sabbath observance or other religious practices is required by section 296.10. The Law further provides, in sections 296.15 and 296.16, protections from employment discrimination for persons with prior conviction records, or prior arrests, youthful offender adjudications or sealed records.

Each of these areas will be discussed in order below, as well as other protections provided by Governor’s Executive Orders and other state laws and policies.

AGE

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person’s age, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

While most cases of age discrimination concern allegations that an employee was perceived to be “too old” by an employer, under New York State law it is also discriminatory to base an employment decision on a perception that a person is “too young,” as long as the person is at least 18. However, basing a decision on lack of experience or ability is not discriminatory.

Decisions about hiring, job assignments or training must never be based on age-related assumptions about an employee’s abilities or willingness to learn or undertake new tasks and responsibilities.

All employees must refrain from conduct or language that directly or indirectly expresses a preference for employees of a certain age group. Ageist remarks must be avoided in the workplace.

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Statutory protection.

Age discrimination is made unlawful by Human Rights Law § 296.1, § 296.3-a and § 296-c, and by the federal Age Discrimination in Employment Act (“ADEA”).¹ Under New York law, age discrimination in employment is prohibited against all persons eighteen years of age or older. Under the ADEA, age discrimination is prohibited only against persons forty years of age or older.

Executive Order concerning State workers.

On January 1, 2011, Governor Andrew M. Cuomo issued Executive Order No. 2, reissuing Executive Order No. 96,² which prohibits Age Discrimination in the workplace. The Executive Order notes that every State employee is entitled to work in an age-neutral environment with equal opportunity for hiring, promotion and retraining opportunities.

Retirement.

Mandatory retirement of employees at any specific age is generally prohibited, except as noted below.³ However, retirement plans may contain an age component for eligibility. Thus, retirement plans may require that persons attain a certain age or have some combination of age and years of service, before being eligible for retirement benefits.⁴

Incentive programs intended to induce employees to retire by granting them greater retirement benefits than those to which they would normally be entitled in order to reduce the size of the work force have generally been found to be lawful. Being eligible for “early retirement” is not coercion based on age. Similarly, that an employee may not be eligible for a retirement benefit or incentive because he or she has not attained a certain age (i.e., “too young”) is also not considered discriminatory.

Exceptions.

The Civil Service Law⁵ mandates minimum and maximum hiring ages for police officers. Correction Officers must be at least 21 years of age in order to be appointed.⁶ These are lawful exceptions to the provisions of the Human Rights Law.

¹ 29 U.S.C. § 621 et seq.

² Issued by Gov. Mario M. Cuomo on April 27, 1987.

³ Human Rights Law § 296.3-a(d) but see exceptions below.

⁴ Human Rights Law § 296.3-a(g).

⁵ N.Y. Civil Service Law § 58; see also N.Y. Executive Law § 215.3.

⁶ N.Y. Correction Law § 7(4).

EMPLOYEE RIGHTS AND RESPONSIBILITIES

There are certain limited exceptions to the prohibition on mandatory retirement.⁷ For example, officers of the New York State Police are required to retire at age 60,⁸ and State park police officers are required to retire at age 62.⁹

In the area of employee benefits, the Human Rights Law does not “preclude the varying of insurance coverage according to an employee's age.”¹⁰

RACE and COLOR

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person’s race or color, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

Discrimination because of a person’s membership in or association with an identifiable class of people based on ancestry or ethnic characteristics can be considered racial discrimination.

There is no objective standard for determining an individual’s racial identity. Therefore, the State defers to an employee’s self-identification as a member of a particular race.

“Color” can be an independent protected class, based on the color of an individual’s skin, irrespective of his or her race.

Statutory protection.

Race and color discrimination are unlawful pursuant to the Human Rights Law § 296.1 and § 296-c, and the federal Civil Rights Act of 1964, Title VII.¹¹

CREED

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person’s creed, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

⁷ Human Rights Law § 296.3-a(g).

⁸ N.Y. Retirement and Social Security Law § 381-b(e).

⁹ N.Y. Park, Recreation and Historic Preservation Law § 13.17(4).

¹⁰ Human Rights Law § 296.3-a(g).

¹¹ 42 U.S.C. § 2000e et seq.

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“Creed” encompasses belief in a supreme being or membership in an organized religion or congregation. Atheism and agnosticism are considered creeds as well. A person is also protected from discrimination because of having no religion or creed. An individual’s self-identification with a particular creed or religious tradition is determinative.

Statutory protection.

Discrimination based on creed is unlawful pursuant to the Human Rights Law § 296.1 and § 296-c, and the federal Civil Rights Act of 1964, Title VII.¹²

Sabbath or holy day observance.

An employee is entitled to time off for religious observance of a sabbath or holy day or days, in accordance with the requirements of his or her religion, provided it does not impose an undue hardship to his or her employer, as explained below.¹³ Time off shall also be granted to provide a reasonable amount of time for travel before and after the observance.

The Human Rights Law provides that any such absence from work shall, wherever practicable in the reasonable judgment of the employer, be made up by an equivalent amount of time and work at a mutually convenient time, or shall be charged against any available personal, vacation or other paid leave, or shall be taken as leave without pay.¹⁴ Agencies are not required to permit such absence to be made up at another time, but may agree that the employee may do so.

Leave that would ordinarily be granted for other non-medical personal reasons shall not be denied because the leave will be used for religious observance.¹⁵ Under no circumstances may time off for religious observance be charged as sick leave.¹⁶

The employee is not entitled to premium wages or benefits for work performed during hours to which such premium wages or benefits would ordinarily be applicable, if the employee is working during such hours only to make up time taken for religious observance.¹⁷

¹² 42 U.S.C. § 2000e et seq.

¹³ Human Rights Law § 296.10(a).

¹⁴ Human Rights Law § 296.10(b).

¹⁵ Human Rights Law § 296.10(c).

¹⁶ Human Rights Law § 296.10(b).

¹⁷ Human Rights Law § 296.10(a). “Premium wages” include “overtime pay and compensatory time off, and additional remuneration for night, weekend or holiday work, or for standby or irregular duty.” § 296.10(d)(2). “Premium benefit” means “an employment benefit, such as seniority, group life insurance, health insurance, disability insurance, sick leave, annual leave, or an educational or pension benefit that is greater than the employment benefit due to the employee for an equivalent period of work performed during the regular work schedule of the employee.” § 296.10(d)(3).

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Civil Service Law § 50(9) provides that candidates who are unable to attend a civil service examination because of religious observance can request an alternate test date from the Department of Civil Service without additional fee or penalty.

Religious observance or practices.

An employee who, in accordance with his or her religious beliefs, observes a particular manner of dress, hairstyle, beard, or other religious practice, should not be unreasonably required to compromise his or her practice in the workplace. The employer is required by law to make a bona fide effort to accommodate an employee's or prospective employee's religious observance or practice.¹⁸

Request for accommodation.

The employee needing time off or other accommodation of religious observance or practice should clearly state the religious nature of the request and should be willing to work with the employer to reach a reasonable accommodation of the need. Supervisors should consult with their human resources and/or legal departments, as necessary, with respect to requests for accommodation of religious observance or practices.

Conflicts with seniority rights.

In making the effort to accommodate sabbath observance or religious practices, the employer is not obliged to initiate adversarial proceedings against a union when the seniority provisions of a collective bargaining agreement limit its ability to accommodate any employee's religious observance or practice, but may satisfy its duty under this section by seeking volunteers willing to waive their seniority rights in order to accommodate their colleague's religious observance or practice. This waiver must be sought from the union that represents the employees covered by such agreement.

Undue hardship.

Before the employer can deny a religious accommodation, the employer must be able to show that accommodating the employee's religious observance or practice would result in undue hardship to the employer. The undue hardship standard applies generally to all accommodation requests, not only those for time off for religious observance. "Undue hardship" means an accommodation requiring significant expense or difficulty, including one that would cause significant interference with the safe or efficient operation of the workplace. Factors that are specifically to be considered are the identifiable costs (such as loss of productivity, or the cost to transfer or hire additional personnel), and the number of individuals who will need time off for a particular sabbath or holy day in relation to available personnel.¹⁹

Furthermore, in positions that require coverage around the clock or during particular hours, being available even on sabbath or holy days *may* be an essential function of the

¹⁸ Human Rights Law § 296.10(a).

¹⁹ Human Rights Law § 296.10(d)(1).

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job. Also, certain uniform appearance standards **may** be essential to some jobs. A requested accommodation will be considered an undue hardship, and therefore not reasonable, if it will result in the inability of an employee to perform an essential function of the job.²⁰

Exceptions.

None with regard to employment decisions. Accommodation is limited by reasonableness, conflicting seniority rights and undue hardship, as set forth above.

NATIONAL ORIGIN

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's national origin, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

National origin is defined as including ancestry, so an individual born in the United States is nonetheless protected against discrimination based on his or her ancestors' nationality.²¹ An individual's self-identification with a particular national or ethnic group is determinative.

Statutory protection.

National origin discrimination is unlawful pursuant to the Human Rights Law § 296.1 and § 296-c, and the federal Civil Rights Act of 1964, Title VII.²²

Language issues.

Fluency in English may be a job requirement. However, requiring that a person speaks English as his or her primary language, or be a "native speaker," may be considered national origin discrimination. In some circumstances, where a particular level of fluency in English is not necessary for job performance, requiring such fluency might also constitute national origin discrimination. The only lawful requirement is for a level of English fluency necessary for the job.

Requiring employees to speak only English, at all times in the workplace, may be national origin discrimination. Any specific workplace rule about language use must be reasonable and necessary to the efficient conduct of State business. Any such

²⁰ Human Rights Law § 296.10(d)(1).

²¹ Human Rights Law § 292.8.

²² 42 U.S.C. § 2000e et seq.

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reasonable rule that prohibits or limits the use of a language other than English in the workplace must be clearly communicated to employees before it can be enforced.²³

Requiring fluency in a language other than English, such as for employment in bilingual positions, is not discriminatory. However, a job qualification of language fluency must be based on an individual's ability, not on national origin. A requirement that an individual be a "native speaker" of a language other than English is discriminatory.

Proof of identity and employment eligibility.

All New York State employees hired after November 6, 1986 must be able to complete a verified federal Form I-9, which establishes the employee's identity and eligibility for employment in the United States. Rescinding an offer of employment or terminating employment based upon lack of current employment authorization is required by federal law and is not unlawful discrimination.²⁴

Citizenship requirements.

Employees serving in positions designated as "public offices," as well as peace and police officer positions defined in the New York State Criminal Procedure Law, must be United States citizens.²⁵

SEXUAL ORIENTATION

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's sexual orientation, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

The term "sexual orientation" means heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived.²⁶

Statutory protection.

Discrimination on the basis of sexual orientation is unlawful pursuant to the Human Rights Law § 296.1 and § 296-c. Sexual orientation is not a protected class under

²³ See the federal Equal Employment Opportunity Commission's regulation at 29 CFR § 1606.7.

²⁴ US Immigration and Nationality Act § 274A, as modified by the Immigration Reform and Control Act of 1986, Immigration Act of 1990 and Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

²⁵ Public Officers Law § 3(1); Criminal Procedure Law § 1.20(34) (police officers); Criminal Procedure Law § 2.10 (peace officers).

²⁶ Human Rights Law § 292.27.

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federal law. However, sexual orientation discrimination may also be considered sex discrimination under federal law.

Same-sex spouses or partners.

The New York State Marriage Equality Act, signed by Governor Cuomo on June 24, 2011, and effective on July 24, 2011, authorizes marriages between same-sex couples in the State of New York. New York State also recognizes marriages between same-sex couples performed in any jurisdiction where such marriages are valid. Spousal benefits will be provided to same-sex spouses in the same manner as to opposite-sex spouses of State employees. Failure to offer equal benefits, or to discriminate against an employee in a marriage with a same-sex spouse, is considered discrimination on the basis of sexual orientation.

Domestic partners.

Same-sex partners who are not married may also qualify for benefits. The employer and his or her partner can fill out the *Application for Domestic Partner Benefits and Affidavit of Domestic Partnership and Financial Interdependence*, which is available on-line from the Department of Civil Service. Opposite-sex domestic partners can also qualify for benefits on the same basis as same-sex partners.

MILITARY STATUS

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's military status, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

"Military status" is defined in the Human Rights Law as a person's participation in the military service of the United States or the military service of the State, including but not limited to, the armed forces of the United States, the Army National Guard, the Air National Guard, the New York Naval Militia, or the New York Guard.²⁷

Statutory protection.

Discrimination on the basis of military status is unlawful pursuant to the Human Rights Law § 296.1 and § 296-c. The federal Uniformed Services Employment and Reemployment Rights Act (USERRA)²⁸ provides additional protections.

Military leave provisions for State workers (and all public employees) are contained in N.Y. Military Law § 242 and § 243. Under the 2008 amendments to the federal Family

²⁷ Human Rights Law § 292.28.

²⁸ 38 U.S.C. §§ 4301-35.

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and Medical Leave Act (FMLA), employees with a family member who is on active duty or on call to active duty status may be eligible for qualifying exigency leave or military caregiver leave of up to 26 weeks in a 12-month period, based upon the family member's military service.

Military leave and job retention rights.

N.Y. Military Law entitles State employees to a leave of absence for "ordered military duty"²⁹ or "military duty."³⁰ Both provisions entitle State employees to return to their jobs with the same pay, benefits, and status they would have attained had they remained in their position continuously during the period of military duty. State employees on leave for military duty continue to accrue years of service, increment, and any other rights or privileges. Under both Military Law and the Human Rights Law, those called to military duty, or who may be so called, may not be prejudiced in any way with reference to promotion, transfer, or other term, condition or privilege of employment. Military Law § 243(5) provides: "State employees on leave for military duty shall suffer no loss of time, service, increment, or any other right or privilege, or be prejudiced in any way with reference to promotion, transfer, reinstatement or continuance in office. Employees are entitled to contribute to the retirement system in order to have leave time count toward determining length of service."

Similarly, under USERRA, service members who leave their civilian jobs for military service are entitled to return to their jobs with the same pay, benefits, and status they would have attained had they not been away on duty. USERRA also prohibits employers from discriminating against these individuals in employment because of their military service, or for exercising their rights under USERRA.

SEX

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's sex, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

Statutory protection.

Sex discrimination is unlawful pursuant to the Human Rights Law § 296.1 and § 296-c, and the federal Civil Rights Act of 1964, Title VII.³¹

²⁹ N.Y. Military Law § 242; pertains to members of the militia, the reserve forces, or reserve components of any branch of the military.

³⁰ N.Y. Military Law § 243; pertains to active duty in the armed forces or reservists called to active duty.

³¹ 42 U.S.C. § 2000e et seq.

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Sex stereotyping.

Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to general societal norms or other perceptions about how individuals of either sex should act or look. For example, conduct may be considered “too aggressive” only because the individual is female, a person may be considered to be “too sensitive” only because that person is male, or a person might not look or dress in a manner consistent with another person’s views of how a man or woman should look or dress. Making employment decisions based on sex-stereotyped evaluations of conduct, looks or dress can be considered sex discrimination.

Harassment because a person does not conform to gender stereotypes is sexual harassment. Derogatory comments directed at a person who has undergone sex reassignment surgery can be sexual harassment, just as comments about secondary sex characteristics of any person can be sexual harassment.

Non-harassment related sex discrimination can also arise in the context of gender transition issues such as an employer’s refusal to recognize an employee’s sex after transition. For more information on transgender issues, see below: [Gender Identity](#) and [Disability](#).

Sexual harassment.

Sexual harassment constitutes sex discrimination. (See below: [Sexual Harassment](#)).

Pregnancy and childbirth discrimination .

Discrimination on the basis of pregnancy or childbirth constitutes sex discrimination. (See below: [Pregnancy, Childbirth and Parental Leave](#)).

Exceptions.

Both State and federal law permit consideration of sex in employment decisions when it is a bona fide occupational qualification (BFOQ). This is, however, an **extremely narrow** exception to the anti-discrimination provisions of the Human Rights Law. Neither customer preference nor stereotyped and generalized views of ability based on sex can form the basis for a BFOQ. However, proof that employing members of a particular sex would impinge on the legitimate personal privacy expectations of an agency’s clients, particularly in a custodial environment, may make out a case for a BFOQ.

SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination and is unlawful. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Statutory protection.

Sexual harassment is prohibited as a form of sex discrimination under the Human Rights Law § 296.1 and § 296-c, and the federal Civil Rights Act of 1964, Title VII.³²

Executive Order concerning State workers.

On January 1, 2011, Governor Andrew M. Cuomo issued Executive Order No. 2 reissuing Executive Order No. 19,³³ which established State policy on sexual harassment in the workplace.

Sexual harassment.

Sexual harassment is both offensive and unlawful. Every State employee and intern is entitled to a working environment free from sexual harassment and its negative economic, psychological and physical effects. Allowing sexual harassment to go unchecked in State workplaces would create significant costs to the State in both human and financial terms, including the replacement of personnel who leave their jobs, increased use of health benefit plans due to emotional and physical stress, absenteeism, and decline in individual and workgroup productivity.

Every employer in New York State must have in place 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 as needed. Also, each agency must provide appropriate sexual harassment training to its staff.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- 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

³² 42 U.S.C. § 2000e et seq.

³³ Issued by Gov. Mario M. Cuomo on May 31, 1983.

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- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

Hostile environment sexual harassment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment. Only supervisors are deemed to engage in this kind of harassment, because co-workers do not have the authority to grant or withhold benefits.

With respect to inappropriate questions during the hiring process or during employment, see below: [Unlawful Inquiries](#).

Employees should consult their agency's sexual harassment policy for further discussion of what constitutes sexual harassment.

As with all discrimination and harassment, if an employee is a victim of sexual harassment, or observes it in the workplace, the employee should complain promptly to a supervisor, managerial employee, personnel administrator, or equal employment officer. The complaint can be verbal or in writing. If the complaint is verbal, a written complaint may be required in order to assist in the investigation. Any complaint, whether verbal or written, must be investigated by the agency. 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.

If an employee is harassed by a co-worker or a supervisor, it is very important that a complaint be made to a higher authority promptly. An agency cannot stop sexual harassment unless it has knowledge of the harassment. Once informed, the agency is required to initiate an investigation and take prompt and effective remedial action where appropriate.

See below: [Harassment](#).

Harassment by a non-employee.

The employing agency has the duty to prevent harassment in the workplace including harassment by non-employees, such as vendors, consultants, clients, customers, visitors or interns.

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Harassment of non-employees.

Non-employees in the workplace, who are performing work under contract, are explicitly protected from sexual harassment by Human Rights Law § 296-d.

In accord with statewide policy, employees and interns are subject to discipline for harassment of *anyone* in the workplace, including contractors, clients, vendors, or any members of the public.

DISABILITY

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's disability, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

All employees must be able to perform the essential functions of their jobs in a reasonable manner, with or without a reasonable accommodation. Consideration of requests for accommodation of applicants or employees with disabilities is required and should be granted where reasonable.

Statutory protection.

Disability discrimination is unlawful pursuant to Human Rights Law § 296.1 and § 296-c. Reasonable accommodation is required of employers pursuant to Human Rights Law § 296.3(a). New York State law has a very broad definition of disability, and generally protects persons with any disabling condition, including temporary disabilities. Disability discrimination is also unlawful under federal law. However, the scope of disability under the provisions of the Americans with Disability Act (ADA) is not as broad.³⁴ The Federal Rehabilitation Act of 1973 § 503 and § 504³⁵ also apply to many State workers. Federal law also requires reasonable accommodation.

Guide dog, hearing dog, and service dog provisions are found in Human Rights Law § 296.14. An employee who uses a guide, hearing or service dog is also protected by Civil Rights Law § 47-a and § 47-b.

What is a “disability” under the Human Rights Law?

A “disability” is:

- a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a

³⁴ 42 U.S.C. § 12111 et seq.

³⁵ 29 U.S.C. § 793 and § 794.

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normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or

- a record of such an impairment or
- a condition regarded by others as such an impairment.³⁶

Because this definition includes any impairment that is demonstrable by clinical or laboratory diagnostic techniques, it includes most disabling conditions.

Reasonable performance.

An employee with a disability must be able to achieve “reasonable performance” in order to be protected by the Human Rights Law. Reasonable performance is not perfect performance or performance unaffected by the disability, but job performance reasonably meeting the employing agency’s needs to achieve its governmental functions. An employee with a disability is entitled to reasonable accommodation if it will permit the employee to achieve reasonable job performance.

Essential functions.

A function is essential if not performing it would fundamentally change the job for which the position exists. If a function is not essential to the job, then it can be reassigned to another employee, and the employee with a disability may not be required to perform that function.

Employers may ask applicants with disabilities about their ability to perform specific job functions and tasks, as long as all applicants are asked in the same way about their abilities. Employers may require applicants/employees to demonstrate capacity to perform the physical demands of a particular job, in the same way as applicants are asked to demonstrate competence and qualifications in other areas. Such tests of capacity, agility, endurance, etc. are non-discriminatory as long as they can be demonstrated to be related to the specific duties of the position applied for and are uniformly given to all applicants for a particular job category.

Reasonable Accommodation.³⁷

A reasonable accommodation is an adjustment or modification made to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner. Some examples of reasonable accommodation include:

- A modified work schedule;
- Reassignment of the non-essential functions of the job;
- Acquisition or modification of equipment;

³⁶ Human Rights Law § 292.21.

³⁷ With respect to policy and procedures relative to reasonable accommodation generally, employees should consult the publication [Procedures for Implementing Reasonable Accommodation for Applicants and Employees in New York State Agencies](#).

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- Provision of an accessible worksite.

All otherwise qualified applicants and employees are entitled to reasonable accommodation of disability. Accommodation is required if it is reasonable and will assist in overcoming an obstacle caused by the disability that prevents the person from applying for the position, from performing the essential functions of the position, or from receiving equal terms, conditions or privileges of the position.

Unless the disability is obvious (e.g. employee's use of a wheelchair) the applicant or employee must inform the employing agency of the need for accommodation. The employee also must provide reasonable medical documentation as requested by the agency and engage in an interactive process with the agency in order to reach an effective and reasonable accommodation.

Once an accommodation has been requested, the agency has an obligation to verify the need for the accommodation. If the need for accommodation exists, then the employing agency has an obligation to seek an effective solution through an interactive process between the agency and the employee.

While the employee can request a particular accommodation, the obligation to provide a reasonable accommodation is satisfied where the needs of the person with the disability are met. The agency has the right to decide which reasonable accommodation will be granted, so long as it is effective in enabling the employee to perform the job duties in a reasonable manner.

An agency may require a doctor's note to substantiate the request, or a medical examination where appropriate, but must maintain the confidentiality of an employee's medical information. The Human Rights Law requires that the employee cooperate in providing medical or other information needed to verify the disability, or any additional information that is otherwise necessary for consideration of the accommodation.³⁸

Information provided for purposes of reasonable accommodation cannot be used by the agency for another purpose such as a basis for referring an employee for a medical examination to determine fitness for duty pursuant to Civil Service Law section 72(1) or placing the employee on an involuntary leave of absence pursuant to Civil Service Law section 72(5) or other personnel actions.

Many common questions about reasonable accommodation are explained in the reasonable accommodation regulations³⁹ of the New York State Division of Human Rights, which are available on the Division's website. These regulations may be used by applicants, employees, and agency personnel in order to better understand the reasonable accommodation process.

³⁸ Human Rights Law § 296.3.

³⁹ 9 N.Y.C.R.R. § 466.11.

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Family Medical Leave Act (29 USC sections 2601 to 2654).

The State as an employer cannot take adverse action against employees who exercise their rights to medical leave for the birth, adoption, or foster care placement of a child, for their own serious health condition, or to care for a family member with a serious health condition which qualifies under the Act. The Act entitles eligible employees to take up to a total of 12 weeks of unpaid leave during a 12-month period. (Military caregivers may be entitled to up to 26 weeks of leave. See above: [Military Status.](#))

Paid Family Leave.

The New York State Paid Family Leave Law⁴⁰ provides for paid leave to bond with a newly born, adopted or fostered child; care for a close relative with a serious health condition; or assist loved ones when a family member is deployed abroad on active military service. The amount of paid leave available increases to a total of 12 weeks by 2021. State employees not represented by a union in bargaining units 06, 18, 46 and 66 are covered by the law. State employees represented by a union may be covered if Paid Family Leave is collectively bargained for.

More information is available on the New York State website at <https://www.ny.gov/new-york-state-paid-family-leave/paid-family-leave-information-employees>. This includes information on who is eligible, and how to apply.

Civil Service Law §§ 71 and 73.

The Civil Service Law allows an agency to terminate an employee after one cumulative year of absence for a disability resulting from an occupational injury or disease as defined in the Workers' Compensation Law.⁴¹ This is extended to two years for an individual injured in an assault that causes such injury or disease. The Civil Service Law also allows an agency to terminate an employee who has been continuously absent for one year for a personal injury or illness.⁴²

Drug and Alcohol-Free Workplace Policy.

New York State employees are subject to criminal, civil, and disciplinary penalties if they distribute, sell, attempt to sell, possess, or purchase controlled substances while at the workplace or while acting in a work-related capacity. Such illegal acts, even if engaged in while off duty, may result in disciplinary action. In those locations where it is permitted, an employee may possess and use a controlled substance that is properly prescribed for the employee by a physician. Employees are also prohibited from on-the-job use of, or impairment from alcohol. If a supervisor has a reasonable suspicion that an employee is unable to perform job duties due to a disability which may be caused by the use of controlled substances or alcohol, that employee may be required

⁴⁰ Workers Compensation Law, art. 9, §§ 200, et seq.

⁴¹ Civil Service Law § 71.

⁴² Civil Service Law § 73.

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to undergo medical testing.⁴³ If the cause of the disability is found to be drug- or alcohol-related, the employee may be referred to voluntary and confidential participation in the statewide Employee Assistance Program. Other available options include pursuing disability leave procedures or disciplinary measures. On-line supervisory training regarding a drug and alcohol free workplace is available through the GOER's Online Learning Center at <https://nyslearn.ny.gov/>.

The Federal Drug-Free Workplace Act of 1988, amended in 1994, requires that all agencies that have contracts with the United States Government that exceed \$100,000, and all agencies that receive Federal grants, maintain a drug-free workplace. If an employee is involved in work on a contract or grant covered by this law, they are required to notify their employer of any criminal drug statute conviction, for a violation occurring in the workplace, not less than five days after the conviction. Agencies covered by this law must notify the Federal government of the conviction and must take personnel action against an employee convicted of a drug abuse violation.

Drug Addiction and Alcoholism under the Human Rights Law and Regulations.⁴⁴

An individual who is currently using drugs illegally is not protected under the disability provisions of the Human Rights Law. The law protects individuals who are recovered or recovering drug addicts or alcoholics and may protect alcoholics if the alcoholism does not interfere with job performance.

Intoxication or use of alcohol on the job is not protected. A test to determine the illegal use of drugs is not considered a medical test that is governed by the Human Rights Law. Agencies have differing requirements and policies with regard to drug testing.

If an individual is protected by the Human Rights Law, adjustment to work schedules, where needed to allow for ongoing treatment, is allowed as an accommodation where reasonable, if the individual is still able to reasonably perform the essential functions of the job, including predictable and regular attendance.

See above: [Drug and Alcohol-Free Workplace Policy](#).

Guide dogs, hearing dogs, and service dogs.

Users of guide dogs, hearing dogs, or service dogs that are trained as provided in the Human Rights Law are given protection by the Human Rights Law.⁴⁵

The use of such a dog is not considered a "reasonable accommodation," but a right protected separately under the Human Rights Law, and the dog owner need not specifically request permission to bring the dog into the workplace. This specific

⁴³ For agencies that do not have their own drug/alcohol testing procedures, this test must be done pursuant to Civil Service Law § 72.

⁴⁴ See *generally* 9 N.Y.C.R.R. § 466.11(h).

⁴⁵ Human Rights Law § 296.14.

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provision has no parallel in the federal ADA, under which the matter would instead be analyzed to determine whether a reasonable accommodation is appropriate.

This right to be accompanied by such dogs in the workplace applies only to dogs that meet the definitions found in the Human Rights Law.

A “guide dog” or “hearing dog” is a dog that is trained to aid a person who is blind, deaf or hard of hearing, is actually used to provide such aid, and was trained by a guide or hearing dog training center or professional guide or hearing dog trainer.⁴⁶

A “service dog” may perform a variety of assistive services for its owner. However, to meet the definition, the dog must be trained by a service dog training center or professional service dog trainer.⁴⁷

Dogs that are considered therapy, companion or other types of assistance dogs, but who have not been professionally trained as stated in the definitions above, are not covered by this provision.⁴⁸

The provision also does not apply to animals other than dogs, regardless of training.

Dogs not meeting one of the definitions, or animals other than dogs, may provide assistance or companionship to a person with a disability. However, they are generally **not** permitted into the workplace as a reasonable accommodation, because the workplace and other employees can be adversely impacted by animals that are not professionally trained by guide, hearing or service dog trainers, as provided above. The New York State Civil Service Law provides qualified employees with special leave benefits for the purposes of obtaining service animals or guide dogs and acquiring necessary training.⁴⁹

Exceptions.

The Human Rights Law does not require accommodation of behaviors that do not meet the employer's workplace behavior standards that are consistently applied to all similarly situated employees, even if these behaviors are caused by a disability.⁵⁰

Reasonable accommodation is not required where the disability or the accommodation itself poses a direct threat, which means a significant risk of substantial harm to the

⁴⁶ Human Rights Law §§ 292.31-32.

⁴⁷ Human Rights Law § 292.33.

⁴⁸ A dog may be licensed as a “service” dog, and nevertheless not meet the definition of service dog for purposes of the Human Rights Law. N.Y. Agriculture & Markets Law § 110, which requires the licensing of dogs, permits municipalities to exempt from licensing fees various categories of dogs, including “service” and “therapy” dogs, but the section provides no definitions of those categories.

⁴⁹ Civil Service Law § 6(1).

⁵⁰ 9 N.Y.C.R.R. § 466.11(g)(1).

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health or safety of the employee or others that cannot be eliminated or reduced by reasonable accommodation.⁵¹

PREDISPOSING GENETIC CHARACTERISTICS

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of the applicant or employee having a predisposing genetic characteristic, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

Testing for such genetic characteristics is prohibited in most circumstances.

Statutory protection.

Discrimination on the basis of a genetic characteristic is unlawful pursuant to Human Rights Law § 296.1, § 296.19, and § 296-c. It is also covered by the federal Genetic Information Nondiscrimination Act (GINA).⁵²

What is a predisposing genetic characteristic?

A predisposing genetic characteristic is defined as “any inherited gene or chromosome, or alteration thereof, . . . determined by a genetic test or inferred from information derived from an individual or family member that is scientifically or medically believed to predispose an individual or the offspring of that individual to a disease or disability, or to be associated with a statistically significant increased risk of development of a physical or mental disease or disability.”⁵³

How is the employee or applicant protected?

It is an unlawful discriminatory practice for any employer to directly or indirectly solicit, require, or administer a genetic test to a person, or solicit or require information from which a predisposing genetic characteristic can be inferred as a condition of employment or pre-employment application.⁵⁴ It is also unlawful for an employer to buy or otherwise acquire the results or interpretation of an individual's genetic test results or information from which a predisposing genetic characteristic can be inferred or to make

⁵¹ 9 N.Y.C.R.R. § 466.11(g)(2).

⁵² As with Title VII, the ADA and the ADEA, the Genetic Information Nondiscrimination Act is enforced by the federal Equal Employment Opportunity Commission. When codified, GINA was distributed throughout various sections of Titles 29 and 42 of the United States Code. For more details on GINA, see <http://www.eeoc.gov/laws/types/genetic.cfm>.

⁵³ Human Rights Law § 292.21-a.

⁵⁴ Human Rights Law § 296.19(a)(1).

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an agreement with an individual to take a genetic test or provide genetic test results or such information.⁵⁵

An employee may give written consent to have a genetic test performed, for purposes of a worker's compensation claim, pursuant to civil litigation, or to determine the employee's susceptibility to potentially carcinogenic, toxic, or otherwise hazardous chemicals or substances found in the workplace environment. The employer may not take any adverse action against an employee on the basis of such voluntary test.⁵⁶

Exceptions.

An employer may require a specified genetic test as a condition of employment where such a test is shown to be directly related to the occupational environment, such that the employee or applicant with a particular genetic anomaly might be at an increased risk of disease as a result of working in that environment.⁵⁷ However, the employer may not take adverse action against the employee as a result of such testing.

FAMILIAL STATUS

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's familial status, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

"Familial status" includes being pregnant, having a child under the age of 18, having legal custody of any person under the age of 18, or having a person under the age of 18 residing in the home of the designee of the parent, or being in the process of securing custody, adoption or foster care placement of any person under 18.

Statutory protection.

Discrimination on the basis of familial status is unlawful pursuant to Human Rights Law § 296.1. Familial status is not a protected class under federal law.

Familial status does not include the identity of the children.

Parents or guardians of children are protected from discrimination on the basis of the **status** of being a parent or guardian, not with regard to who their children are. Therefore, actions taken against an employee because of who their child is, or what that child has done, do not implicate familial status discrimination.

⁵⁵ Human Rights Law § 296.19(a)(2).

⁵⁶ Human Rights Law § 296.19(c) and (d).

⁵⁷ Human Rights Law § 296.19(b).

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Nepotism.

Nepotism means hiring, granting employment benefits, or giving other favoritism based on the identity of a person's family member. Anti-nepotism rules do not implicate familial status discrimination, because anti-nepotism rules involve the **identity** of the employees as relatives, not their **status** as parent, child, or spouse. The Public Officers Law provides that a State employee may not control or influence decisions to hire, fire, supervise or discipline a family member.⁵⁸ Moreover, other acts of nepotism not specifically governed by this provision may violate more general conflict of interest provisions in the New York ethics statutes.

What is familial status discrimination?

Familial status discrimination would include, but not be limited to, making employment decisions about an employee or applicant:

- because she is pregnant;
- because she or he has children at home, or has "too many" children;
- based on belief that someone with children will not be a reliable employee;
- because she or he is a single parent;
- because she or he is a parent, regardless of living arrangements;
- because she or he is living with and caring for a grandchild;
- because she or he is a foster parent, or is seeking to become a foster parent, or to adopt a child;
- because a father has obtained custody of one or more of his children and will be the primary caretaker;
- based on the belief that mothers should stay home with their children; or
- because of any other stereotyped belief or opinion about parents or guardians of children under the age of 18.

No requirement of reasonable accommodation.

The Human Rights Law explicitly states that the familial status provisions do not create any right to reasonable accommodation on that basis.⁵⁹ Therefore, the employer is not required to accommodate the needs of the child or children and is not required to grant time off for the parent to attend school meetings, concerts, sporting events, etc., as an accommodation. However, the employer must grant such time off to the same extent that time off is granted to employees for other personal reasons.

The familial status protections do not expand or decrease any rights that a parent or guardian has under the federal Family Medical Leave Act or the New York State Paid Family Leave Act (where these are applicable) to time off to care for family members. (See above: [Family Medical Leave Act and Paid Family Leave](#).)

⁵⁸ Anti-nepotism rules for all State government workplaces are found in N.Y. Public Officers Law § 73.14.

⁵⁹ Human Rights Law §296.3

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Pregnancy and childbirth discrimination.

Discrimination on the basis of pregnancy constitutes familial status discrimination. (See below: [Pregnancy, Childbirth and Parental Leave.](#))

MARITAL STATUS

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's marital status, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

"Marital status" is the condition of being single, married, separated, divorced, or widowed.

Statutory protection.

Discrimination on the basis of marital status is unlawful pursuant to Human Rights Law § 296.1 and § 296-c. Marital status is not covered by federal law.

Marital status does not include the identity of the spouse.

Discrimination based on the identity of the individual to whom a person is married is not marital status discrimination, as it is only the status of being married, single, divorced, or widowed that is protected. Thus, terminating employment because of the actions of a spouse would not be considered marital status discrimination, because the action was taken not based on the fact that the employee was married but that the employee was married to a particular person.

Nepotism.

Nepotism means hiring, granting employment benefits, or other favoritism based on the identity of a person's spouse or other relative. The Public Officers Law provides that a State employee may not control or influence decisions to hire, fire, supervise or discipline a spouse or other relative.⁶⁰ Moreover, other acts of nepotism not specifically governed by this provision may violate more general conflict of interest provisions in the New York ethics statutes. Such anti-nepotism rules do not implicate marital status discrimination.

⁶⁰ Anti-nepotism rules for all State government workplaces are found in N.Y. Public Officers Law § 73.14.

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What is marital status discrimination?

Some examples of marital status discrimination are:

- expecting an employee to work a disproportionate number of extra shifts or at inconvenient times because he or she is not married, and therefore won't mind.
- selecting a married person for a job based on a belief that married people are more responsible or more stable.
- giving overtime or a promotion to a married person rather than a single person based on a belief that the single person does not have to support anyone else.

DOMESTIC VIOLENCE VICTIM STATUS

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's status as a victim of domestic violence, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

Statutory protection.

Discrimination based on domestic violence victim status is unlawful pursuant to Human Rights Law § 296.1 and § 296-c. There is no similar federal protection.

Executive Order concerning State workers.

On January 1, 2011, Governor Andrew M. Cuomo issued Executive Order No. 2, reissuing Executive Order No. 19,⁶¹ which requires adoption of domestic violence and the workplace policies by all executive branch State agencies.

Purpose of domestic violence and the workplace policies.

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

Domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover. The purpose of the policy is to address the impacts of domestic violence already being felt in the workplace.

⁶¹ Issued by Gov. Eliot L. Spitzer on October 22, 2007.

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The workplace can sometimes be the one place where the victim is not cut off from outside support. The victim's job, financial independence, and the support of the workplace can be part of an effective way out of the abusive situation. Therefore, the domestic violence and the workplace policy aims to support the victim in being able to retain employment, find the resources necessary to resolve the problem, and continue to serve the public as a State employee.

Meeting the needs of domestic violence victims.

A victim of domestic violence can ask the employer for accommodations relating to his or her status, which can include the following:

- Employee's need for time off to go to court, to move, etc., should be granted at least to the extent granted for other personal reasons.
- If an abuser of an employee comes to the workplace and is threatening, the incident should be treated in same manner as any other threat situation. It is not to be treated as just the victim's problem which the victim must handle on her or his own. The victim of domestic violence must not be treated as the "cause" of the problem and supervisory employees must take care that no negative action is taken against the victim because, for example, the abuser comes to the workplace, the victim asks the employer to notify security about the potential for an abuser to come to the workplace, or the victim provides an employer with information about an order of protection against the abuser.
- If a victim needs time off for disability caused by the domestic violence, it should be treated the same as any temporary disability. This includes time off for counseling for psychological conditions caused by the domestic violence. (See above: [Disability](#). Note: temporary disabilities are covered under the Human Rights Law.)
- The State's domestic violence and the workplace policy requires this and more. Employees should consult their agency's policy to understand the support it affords to victims of domestic violence, which may include the following:
 - Assistance to the employee in determining the best use of his/her attendance and leave benefits when an employee needs to be absent as a result of domestic violence.
 - Assistance with enforcement of all known court orders of protection, particularly orders in which the abuser has been ordered to stay away from the work site.
 - Refraining from any unnecessary inquiries about domestic violence.
 - Maintenance of confidentiality of information about the domestic violence victim to the extent possible.
 - Establishment of a violence prevention procedure, such as a policy to call "911" if an abuser comes to the workplace.
 - Working with the domestic violence victim to develop a workplace safety plan.

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In addition, the policy also sets out standards for the agency to hold employees accountable who utilize State resources or use their position to commit an act of domestic violence.

Time off for legal proceedings.

In addition to the requirement of the domestic violence and the workplace policy that victims be granted reasonable time off to deal with domestic violence, time off for legal proceedings is addressed by the Penal Law. It is illegal for an employer to take any adverse action against an employee who is a victim of a crime for taking time off to appear in court as a witness, to consult with a district attorney, or to obtain an order of protection.⁶²

Unemployment insurance benefits.

If a victim must leave a job because of domestic violence, he or she is not necessarily barred from receiving unemployment insurance benefits. Circumstances related to domestic violence may be “good cause” for voluntarily quitting a job. Also, job performance problems related to domestic violence (such as absenteeism or tardiness) will not necessarily bar benefits.⁶³

Further information and support.

Dealing with domestic violence requires professional assistance. Domestic violence can be a dangerous or life-threatening situation for the victim and others who may try to become involved. Both victims and employers may contact the NYS Office for the Prevention of Domestic Violence for further information.

PREGNANCY, CHILDBIRTH AND PARENTAL LEAVE

Discrimination on the basis of pregnancy constitutes discrimination on the basis of sex and familial status. Furthermore, medical conditions related to pregnancy or childbirth must be reasonably accommodated in the same manner as any temporary disability. Parental leave is available to employees on a gender-neutral basis.

Statutory protection.

Discrimination based on sex and familial status is unlawful pursuant to Human Rights Law § 296.1 and § 296-c. Sex, but not familial status, is a protected class under federal law. Reasonable accommodation of pregnancy-related conditions is required by the Human Rights Law.⁶⁴ There is no similar requirement under federal law, unless the pregnancy-related condition meets the definition of “disability” under federal law. Also,

⁶² N.Y. Penal Law § 215.14.

⁶³ N.Y. Labor Law § 593.

⁶⁴ Human Rights Law § 296.3(a).

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the federal Family Medical Leave Act and the New York State Paid Family Leave Act (where these are applicable) may entitle an employee leave. (See above: [Family Medical Leave Act and Paid Family Leave.](#))

Pregnancy discrimination.

No decision regarding hiring, firing or the terms, condition and privileges of employment may be based on the fact that an applicant or employee is pregnant or has recently given birth. A pregnant individual may not be compelled to take a leave of absence unless pregnancy prevents that individual from performing the duties of the job in a reasonable manner.⁶⁵ Disability discrimination may also be implicated where discrimination is based on limitations or perceived limitations due to pregnancy.

Reasonable accommodation of pregnancy-related conditions.

Any medical condition related to pregnancy or childbirth that does prevent the performance of job duties entitles the individual to reasonable accommodation, including time off consistent with the medical leave policies applicable to any disability. The mere fact of being pregnant does not trigger the requirement of accommodation. But, any condition that “inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques”⁶⁶ must be accommodated, when necessary, to allow the employee to perform the essential functions of the job.

An agency may require a doctor’s note to substantiate the request but must maintain the confidentiality of an employee’s medical information. The Human Rights Law requires that the employee cooperate in providing medical or other information needed to verify the pregnancy-related condition, or that is otherwise necessary for consideration of the accommodation.⁶⁷ (See above: [Disability.](#))

While pregnancy-related conditions are treated as temporary disabilities for purposes of applying existing regulations under the Human Rights Law, pregnancy-related conditions need not meet any definition of disability to trigger an employer’s obligation to accommodate under the law. Any medically-advised restrictions or needs related to pregnancy will trigger the need to accommodate, including such things as the need for extra bathroom breaks, or increased water intake.

Parental leave.

Any parent of a newborn child, a newly adopted child, or a sick child is entitled to available child care leave without regard to the sex of the parent. Only the woman who gives birth, however, is entitled to any medical leave associated with pregnancy, childbirth and recovery.

⁶⁵ Human Rights Law § 296.1(g) and § 296-c(2)(e).

⁶⁶ Human Rights Law § 292.21-f.

⁶⁷ Human Rights Law § 296.3.

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In general, the State as an employer cannot take adverse action against employees who take qualifying medical leave for the birth or adoption of a child, for their own serious health condition, or to care for a family member with a serious health condition which qualifies under the federal Family and Medical Leave Act.⁶⁸ The Act entitles eligible employees to take up to a total of 12 weeks of unpaid leave during a calendar year.

PRIOR ARREST RECORDS, YOUTHFUL OFFENDER ADJUDICATIONS AND SEALED RECORDS

It is an unlawful discriminatory practice for an employer to make any inquiry about any arrest or criminal accusation of an individual, not then pending against that individual, which has been resolved in favor of the accused or resolved by a youthful offender adjudication or resulted in a sealed conviction. It is unlawful to require any individual to divulge information pertaining to any such arrest or criminal accusation or to take any adverse action based on such an arrest or criminal accusation.

Statutory protection.

This protection is provided by Human Rights Law § 296.16.

What is unlawful?

It is generally unlawful to ask an applicant or employee whether he or she has ever been arrested or had a criminal accusation filed against him or her. It is also generally unlawful to inquire about youthful offender adjudications or sealed records. It is **not** unlawful to ask if a person has any currently pending arrests or accusations. It is also not unlawful to inquire about convictions. (See below: [Previous Conviction](#).)

It is generally unlawful to require an individual to divulge information about the circumstances of an arrest or accusation no longer pending. In other words, the employer cannot demand information from the individual accused in order to “investigate” the circumstances behind an arrest. It is **not** unlawful to require an employee to provide information about the outcome of the arrest, i.e. to demonstrate that it has been terminated in favor of the accused. The agency may be able to take action against an employee for the conduct that led to the arrest but Human Rights Law §296.16 provides that no person “shall be required to divulge information” pertaining to the arrests resolved as set out below.

Pending arrest or accusation.

As long as an arrest or criminal accusation remains pending, the individual is not protected. The agency may refuse to hire or may terminate or discipline the employee

⁶⁸ 29 U.S.C. § 2601 et seq.

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in accordance with applicable law or collective bargaining agreement provisions. The agency may also question the employee about the pending arrest or accusation, the underlying circumstances, and the progress of the matter through the criminal justice system.

However, if the employee is arrested while employed, is not terminated by the employer, and the arrest is subsequently terminated in favor of the employee, the employee then becomes protected. After a favorable termination, the employer cannot initiate an adverse action against the employee based on the arrest and cannot question the employee about the matter. The employer can require that the employee provide proof of the favorable disposition in a timely manner.

What specific circumstances are protected?

The arrest or criminal accusation must have been:

- dismissed, pursuant to Criminal Procedure Law § 160.50;
- disposed of as a youthful offender adjudication, pursuant to Criminal Procedure Law § 720.35;
- resulted in a conviction for a violation, which was sealed pursuant to Criminal Procedure Law § 160.55; or
- resulted in a conviction, which was sealed pursuant to Criminal Procedure Law § 160.58 or § 160.59.

Sealed records.

Whether or not a record is sealed is a factual question. Many records that could be sealed are not in fact sealed. Sealing a record requires that the court specifically order that the record be sealed. The applicant or employee is responsible to know the status of a sealable conviction. If it is not in fact sealed, then it is a conviction record that can be required to be disclosed. (See below: [Previous Conviction](#).)

Exceptions.

The Human Rights Law explicitly states that arrest inquiries, requests for information, or adverse actions may be lawful where such actions are “specifically required or permitted by statute.”⁶⁹

These provisions do not apply to an application for employment as a police officer or peace officer.⁷⁰

The provisions do not fully apply to an application for employment or membership in any law enforcement agency. For those positions, arrests or criminal accusations that are dismissed pursuant to Criminal Procedure Law § 160.50 may not be subject to inquiry, demands for information, or be the basis of adverse action. However, the other types of

⁶⁹ Human Rights Law § 296.16; see e.g. Civil Service Law § 50(4).

⁷⁰ Police and peace officer as defined in Criminal Procedure Law §§ 1.20 and 2.10, respectively.

EMPLOYEE RIGHTS AND RESPONSIBILITIES

terminations (youthful offender adjudication or sealed convictions) may be inquired into and taken into consideration for jobs with law enforcement agencies.

PREVIOUS CONVICTION RECORDS

It is unlawful to deny any license or employment, to refuse to hire, or terminate, or take an adverse employment action against an applicant or employee, by reason of his or her having been convicted of one or more criminal offenses, if such refusal is in violation of the provisions of Article 23-A of the Correction Law. The Correction Law provides the standards to be applied and factors to be considered before an employment decision may be based on a previous conviction, including the factor that it is the public policy of the State of New York to encourage the licensure and employment of those with previous criminal convictions

Statutory protection.

This protection is provided by Human Rights Law § 296.15, in conjunction with Article 23-A of the N.Y. Correction Law.

Factors from the Correction Law.

The Correction Law provides that an employer may not refuse to hire, or terminate an employee, or take an adverse employment action against an individual, because that individual has been previously convicted of one or more criminal offenses, or because of a belief that a conviction record indicates a lack of "good moral character," **unless** either there is a direct relationship between one or more of the previous criminal offenses and the specific employment sought or held, or employment of the individual would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.⁷¹

In order to determine whether there is either a direct relationship or unreasonable risk (as mentioned above), the employer must apply the factors set forth in the Correction Law, as follows:

- (a) The public policy of this State, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
- (b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
- (c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.

⁷¹ N.Y. Correction Law § 752.

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- (d) The time which has elapsed since the occurrence of the criminal offense or offenses.
- (e) The age of the person at the time of occurrence of the criminal offense or offenses.
- (f) The seriousness of the offense or offenses.
- (g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
- (h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.⁷²

Also, in making the determination, the employer must give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the individual, which creates a presumption of rehabilitation in regard to any offense specified in the certificate.⁷³

The factors must be applied on a case-by-case basis and each of the factors must be considered. The employing agency must take into account the individual's situation by analyzing factors (d) through (g) and must also analyze the specific duties and responsibilities of the job pursuant to factors (b), (c) and (h). If any additional documentation is needed, it must be requested of the applicant or employee before any adverse determination is made. A justification memorandum that merely tracks the statute but without rational application of the factors to the facts of the case may lead to a finding that an adverse determination was arbitrary and capricious.

Conviction must be “previous.”

Individuals are protected for **previous** convictions. A conviction that occurs during employment does not entitle the individual to these protections.

Inquiries and misrepresentation.

Unlike many other areas covered by the Human Rights Law, an employer is not prevented from asking an individual to disclose prior convictions as part of the employment application process or at any time during employment.

If the employer learns at any time that that an applicant or employee has made a misrepresentation with regard to any previous conviction, it may be grounds for denial or termination of employment.⁷⁴

Interaction with the arrest provisions.

The arrest provisions⁷⁵ of the Human Rights Law interact with the conviction provisions. Although it is **lawful to ask** about previous convictions, it is **unlawful to ask** about

⁷² N.Y. Correction Law § 753.1.

⁷³ N.Y. Correction Law § 753.2.

⁷⁴ N.Y. Correction Law § 751; see also Civil Service Law section 50(4).

⁷⁵ Human Rights Law § 296.16.

EMPLOYEE RIGHTS AND RESPONSIBILITIES

previous arrests resolved in an individual's favor, or about youthful offender adjudications, or about convictions that have been sealed pursuant to Criminal Procedure Law § 160.55 or § 160.58. If any individual with a youthful offender record or a sealed conviction states that he or she has no previous convictions, this is not a misrepresentation. The employer is not entitled to any information about youthful offender records or sealed convictions. (See above: [Prior Arrest.](#))

Enforcement only by court action.

A State employee or an applicant for State employment cannot file a complaint with the Division of Human Rights regarding previous conviction. An individual can pursue enforcement under the Human Rights Law only by filing an Article 78 proceeding in State Supreme Court.⁷⁶ However, State employees may file complaints with respect to the Prior Arrest provisions of the Human Rights Law with the Division of Human Rights. (See above: [Prior Arrest.](#))

Exceptions.

It is not unlawful to discriminate if, upon weighing the factors set out above, the previous criminal offense bears a direct relationship to the job duties, or if employment of the individual would involve an unreasonable risk to safety or welfare, as explained in more detail above.

An individual may be required to disclose previous convictions, unless they are sealed, as explained in more detail above.

These protections do not apply to "membership in any law enforcement agency."⁷⁷

GENDER IDENTITY

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's gender identity, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

"Gender identity" means an individual's gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex or gender assigned to an individual at birth.

⁷⁶ N.Y. Correction Law § 755.1.

⁷⁷ N.Y. Correction Law § 750.5.

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A transgender person is an individual who has a gender identity different from the sex assigned to that individual at birth.

Gender dysphoria is a recognized medical condition related to an individual having a gender identity different from the sex assigned at birth.

Statutory protection.

Gender identity is protected under the Human Rights Law as gender identity may form the basis of sex and disability discrimination claims. These protections are explained in regulations promulgated by the Division of Human Rights.⁷⁸ Gender identity discrimination may also be considered sex discrimination under federal law.

Executive Order concerning State workers.

On January 1, 2011, Governor Andrew M. Cuomo issued Executive Order No. 2, reissuing Executive Order No. 33,⁷⁹ which prohibits discrimination in employment by executive branch agencies on the basis of gender identity.

What protection against discrimination is provided by Executive Order?

The Executive Order seeks to root out employment discrimination on the basis of gender identity in order to help attract and retain competent and effective employees.

No State agency, employee or agent thereof, shall discriminate on the basis of gender identity against any individual in any matter pertaining to employment by the State including, but not limited to, hiring, termination, retention, job appointment, promotion, tenure, recruitment, compensation and benefits, and other terms and conditions of employment. Under the Executive Order, harassment and retaliation based on gender identity are also prohibited. (See below: [Harassment](#) and [Retaliation](#).) All complaints alleging harassment and retaliation under Executive Order 33 can be made under an agency's internal discrimination complaint procedure.

The prohibition on gender identity discrimination extends to actions based upon an individual's actual or perceived gender identity. While gender identity discrimination can take many forms, it includes, but is not limited to, unwelcome verbal or physical conduct, such as derogatory comments, jokes, graffiti, drawings or photographs, touching, gestures, or creating or failing to remedy a hostile work environment.

What protection against discrimination is provided by the Human Rights Law?

The term "sex" when used in the Human Rights Law includes gender identity and the status of being transgender and either basis is sex discrimination. Harassment on either basis qualifies as sexual harassment. (See above: [Sex Stereotyping](#).)

⁷⁸ 9 N.Y.C.R.R. § 466.13

⁷⁹ Issued by Gov. David A Paterson on December 16, 2009.

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The term “disability” when used in the Human Rights Law includes gender dysphoria or other condition meeting the definition of disability in the Human Rights Law and discrimination on that basis is disability discrimination. Refusal to provide reasonable accommodation for persons with gender dysphoria, where requested and necessary, and harassment of persons with gender dysphoria are also disability discrimination. (See above: [Disability](#).)

GENERAL PROHIBITIONS

Harassment

Harassment that creates a hostile work environment, based on the protected categories discussed in this Handbook, is unlawful pursuant to the Human Rights Law. (See above: [Sexual Harassment](#).) State employees and interns are entitled to a work environment which promotes respect for all, and actions that demonstrate bias, harassment, or prejudice will not be tolerated.

Harassment consists of words, signs, jokes, pranks, intimidation or physical violence that is directed at an employee or intern because of his or her membership in any protected class, or perceived class. It also includes workplace behavior that is offensive and based on stereotypes about a particular protected group, or which is intended to cause discomfort or humiliation on the basis of protected class membership.

Harassment is unlawful when it becomes severe or frequent enough to alter the terms or conditions of an individual’s employment or internship.

Appropriate supervision is not harassment.

Normal workplace supervision, such as enforcing productivity requirements, requiring competent job performance, or issuing disciplinary warnings or notices, is **not** harassment. If these actions are imposed on the basis of protected class membership, then this may be discrimination in the terms, condition or privileges of employment.

Harassment by a non-employee.

The employing agency has the duty to prevent harassment in the workplace including harassment by non-employees, such as vendors, consultants, clients, customers, visitors or interns.

Harassment of non-employees.

Non-employees in the workplace, who are performing work under contract, are explicitly protected from sexual harassment by Human Rights Law § 296-d.

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In accord with statewide policy, employees and interns are subject to discipline for harassment of *anyone* in the workplace, including contractors, clients, vendors, or any members of the public.

Harassment must be reported.

The employing agency is not responsible for harassment by co-workers or non-employees, unless the agency knows about the harassment and fails to take appropriate steps to correct the situation. Harassment should be reported to a supervisor, manager, human resources officer, or EEO officer. The individual who reports harassment, or who is experiencing the harassment, needs to cooperate with any investigation into the harassment so that a full and fair investigation can be conducted, and any necessary remedial action can be promptly undertaken.

An employee with supervisory responsibility has a duty to report harassment that he or she observes or otherwise knows about. A supervisor who has received a report of harassment from an employee or intern has a duty to report it to management, even if the employee or intern who complained has asked that it not be reported. Any harassment or potential harassment that is observed must be reported, even if no one is complaining about it.

Harassment must be investigated and appropriate corrective action taken.

The employer has the duty to investigate any report of harassment. If it is determined that the harassing behavior is occurring, the employing agency has a duty to take prompt and effective corrective action to stop the harassment and take such other steps as are appropriate.

Unlawful Inquiries

It is an unlawful discriminatory practice for an employer to print, circulate, or use any form of application, or to make any inquiry which expresses directly or indirectly, any limitation, specification or discrimination as to any protected class, unless based upon a bona fide occupational qualification.⁸⁰

Even if an inquiry is not asked with the apparent intent to express a limitation, it can become evidence of discriminatory intent in a subsequent action, by creating an appearance of discriminatory motivation. Those interviewing candidates for State positions or promotions should exercise extreme caution so as not to ask any unnecessary question or make any comment that could be interpreted as expressing a discriminatory motivation. This is simply a good employment practice.

Information gathered in furtherance of an affirmative action plan may be lawful, so long as the affirmative action is pursued in a lawful manner (which is beyond the scope of

⁸⁰ Human Rights Law § 296.1(d) and § 296-c(2)(c).

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this booklet). Information on protected class membership which is collected for statistical purposes should be retained separately from a candidate's other information.

Retaliation

Retaliation by an employer is unlawful pursuant to the Human Rights Law and the Civil Service Law.⁸¹ The federal statutes mentioned in this handbook also prohibit retaliation.

The Human Rights Law protects any individual who has filed a complaint, testified or assisted in any proceeding under the Law, as well as one who has opposed any practices forbidden by the Law. Even if the practices the individual has opposed are not in fact a violation of the Human Rights Law, the individual is protected if he or she had a good faith belief that the practices were unlawful.

Division or court proceedings.

A complainant or witness is absolutely protected against retaliation for any oral or written statements made to the Division or a court in the course of proceedings, regardless of the merits or disposition of the underlying complaint.

Opposing discriminatory practices.

Opposing discriminatory practices includes filing an internal complaint of discrimination with the employing agency or reporting discriminatory actions to a supervisor or other appropriate person, either verbally or in writing. It also includes complaining that another person's rights under the Law were violated or encouraging a fellow employee to report unlawful discriminatory practices.

However, behaving inappropriately towards a person deemed to be engaged in discrimination or harassment does not constitute protected opposition to unlawful practices. Employees should instead complain to a supervisor, manager, human resources officer, or EEO officer.

There is no protection for a person who opposes practices the person finds merely distasteful or wrong, despite having no reasonable basis to believe those practices were in violation of the Law or State policy. Furthermore, the retaliation provision is not intended to protect persons making false charges of discrimination.

Adverse employment action.

Retaliation occurs when an adverse action or actions is taken against the employee by the employer. The action need not be job-related or occur in the workplace. Unlawful retaliation can be any action, more than trivial, that would have the effect of dissuading a reasonable worker from making or supporting a charge of discrimination.

⁸¹ Human Rights Law § 296.7; see also Civil Service Law § 75-B, which gives protection to "whistleblowers."

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Actionable retaliation by an employer can occur after the individual is no longer employed by that employer. This can include giving an unwarranted negative reference for a former employee.

An adverse action is not retaliatory merely because it occurs after the employee engaged in protected activity. Employees continue to be subject to all job requirements and disciplinary rules after having engaged in such activity. In order to make a claim of retaliation, the individual must be able to substantiate the claim that the adverse action was retaliatory.

Interns

Paid interns are employees, and all provisions relating to employees explained in this document apply to paid interns. Unpaid interns are explicitly protected by Human Rights Law § 296-c, and are entitled to the same protections as employees, in most areas, wherever § 296-c is referenced in the sections above.

Unpaid interns are protected from discrimination in hiring, discharge, or the terms, conditions or privileges of employment as an intern because of the intern's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, or domestic violence victim status. Unpaid interns are also explicitly protected from harassment.

Political Activities

The Civil Service Law provides that no appointment or selection or removal from employment shall relate to the political opinions or affiliations of any person. No person in the civil service of the State is under any obligation to contribute to any political fund or render any political service and no person shall be removed or otherwise prejudiced for refusing to do so. No person in the civil service shall discharge or promote or reduce or in any manner change the rank or compensation of another for failing to contribute money or any other valuable thing for any political purpose. No person in the civil service shall use his or her official authority or influence to coerce the political action of any person or body or to interfere with any election.⁸² This law is enforced by the New York State Joint Commission on Public Ethics. Complaints regarding this provision should not be filed with the Division of Human Rights.

Diversity

New York State is committed to a nondiscriminatory employment program designed to meet all the legal and ethical obligations of equal opportunity employment. Each department develops affirmative action policies and plans to ensure compliance with equal opportunity laws. To assist in building cooperative work environments, which

⁸² Civil Service Law § 107.

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welcome an increasingly diverse workforce, the Department of Civil Service Staffing Services Division, and courses on diversity in the workplace, are available to agencies through the Governor's Office of Employee Relations (GOER). Contact your personnel office for more information about specific agency affirmative action policies and plans. Diversity training information is available under Training & Development on the GOER website at www.goer.ny.gov.

Reporting Discrimination Complaints Internally

As noted throughout this Handbook, any employee who has been subjected to any discrimination, bias, prejudice, harassment or retaliation, based on any of the protected classes covered by the Handbook, should promptly report the matter to his or her supervisor or manager, to the agency's human resources department, or to the Equal Opportunity Officer (also referred to as Affirmative Action Officer) assigned to the agency.

Each agency has policies and procedures in place to respond to such complaints and can advise employees as to appropriate steps to take pursuant to the agency's procedures. All agency procedures are designed to ensure that the State's anti-discrimination policies are followed, including the State's policies forbidding retaliation, as set out above. All agency procedures provide for a prompt and complete investigation as to the complaint of discrimination, and for prompt and effective remedial action where appropriate. These policies and procedures, and discrimination complaint form, should be available on your agency's intranet site or employee handbook. If you cannot locate them, please contact your supervisor or manager, the agency's human resources department, or the EEO officer assigned to the agency and they will assist you in obtaining this information.

Pursuing Discrimination Complaints Externally

Agency policies and procedures are intended to address all complaints of discrimination within the agency. They are not intended to satisfy, replace or circumvent options available to employees through negotiated union contracts; federal, state or other civil rights enforcement agencies; and/or the judicial system. Thus, the use of these internal complaint procedures will not suspend any time limitations for filing complaints set by law or rule and will not fulfill any other requirements set by law or rule.

Employees are not required to pursue their agency's internal complaint procedure before filing a complaint with any agency or with a court, based on federal or state or local law (though as mentioned previously, an agency may not be held responsible for harassment by coworkers if it was not made aware of the harassment).

Listed throughout the Handbook are citations to the various laws that pertain to discrimination. Employees may be able to file complaints pursuant to these laws with administrative agencies and/or in court. There may also be additional remedies

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available to employees, and employees may wish to seek an attorney's advice prior to determining appropriate steps to take.

The following agencies can provide information to employees and receive and investigate complaints of employment discrimination pursuant to the New York State Human Rights Law (State Division of Human Rights) or Title VII, ADEA, ADA or GINA (U.S. Equal Employment Opportunity Commission).

- New York State Division of Human Rights ("SDHR")
Website: www.dhr.ny.gov
Telephone: (888)392-3644
TTY number: (718)741-8300
- United State Equal Employment Opportunity Commission ("EEOC")
Website: www.eeoc.gov
Telephone: (800)669-4000
TTY number: (800)669-6820

NOTE

This Handbook has been prepared for the general information of State employees as a summary of the various federal and state laws, executive orders, and policies that provide protection from discrimination for State employees and comprises the anti-discrimination policy of the State of New York. Employees should also refer to specific laws and executive orders, together with any employee manual and policies of their employing agency for any additional policies and protections that may apply to them.

This Handbook does not grant any legal rights to any employee, nor is it intended to bind the State in any way. Where there is a conflict between any law, regulation, order, policy or collective bargaining agreement and the text of this Handbook, such law, regulation, order, policy or agreement shall be controlling.

The State reserves the right to revise, add to, or delete any portion of this Handbook at any time, in its sole discretion, without prior notice to employees. Moreover, this Handbook is not intended to, and does not create any right, contractual or otherwise, for any employee, not otherwise contained in the particular law or executive order the Handbook summarizes.

This Handbook has been written so as to not conflict with any collective bargaining agreement that the State has entered into with any union representing its unionized employees. If there is any conflict between this Handbook and any collective bargaining

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agreement, the provisions of the collective bargaining agreement will control. This Handbook shall not constitute a change in any existing term and condition of employment.



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STATE

[Pointing to Deficiencies, Victims Call for Changes to State’s New Sexual Harassment Policies \(/state/7764-pointing-to-deficiencies-victims-call-for-changes-to-state-s-new-sexual-harassment-policies\)](#)

June 25, 2018 | by [Caitlin Bishop \(/caitlin-bishop\)](#)

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(photo via the Governor’s Office)

The problem of sexual harassment in New York state politics is systemic and plaguing young women beginning their careers, according to a group fighting to change the culture and the laws around the issue. And, they argue that recently adopted state measures to fight the scourge are insufficient, despite being touted by Governor Andrew Cuomo as “the best in the nation.”

The seven women of The Sexual Harassment Working Group -- all of whom have been personally affected by sexual harassment while working for lawmakers in the New York State Legislature -- have consulted a handful of advocacy and legal groups, and called upon their own experiences and expertise, to put together a detailed report with recommendations for ways to better protect women working in government.

“We wonder why there aren’t women in higher office, we wonder why women are so underrepresented in our legislature and in all levels of our government. And this is a big part of why: It does not feel safe to work in government if you’re a woman,” co-author Eliyanna Kaiser, a one-time chief of staff to former Assemblymember Micah Kellner, said during an event in Manhattan on June 19. Kaiser was not herself directly a victim of sexual harassment, but instead reported to Bill Collins in the Assembly Counsel’s office, under former Assembly Speaker Sheldon Silver, that Kellner had been sending inappropriate messages to one of his staffers, which led to initial inaction, attacks against Kaiser, and, eventually, Kellner’s ouster from the state Legislature.

Also on the panel were working group members and co-authors Danielle Bennett, former administrative assistant to Kellner who reported his harassment to Kaiser; Leah Hebert, former chief of staff to the late, disgraced Assemblymember Vito Lopez; Tori Burhans Kelly, former legislative aide to Lopez; Rita Pasarell, former legislative counsel and deputy chief of staff to Lopez; Erica Vladimer, former education policy analyst and counsel for the Independent Democratic Conference (IDC); and Elizabeth Crothers, former legislative aide

in the New York State Assembly who publicly accused Assembly lawyer Michael Boxley of rape in 2003, two years after the alleged incident and when another victim of Boxley's came forward. The discussion was moderated by political consultant and columnist Alexis Grenell, who has helped bring to light victims' experiences as well as the insufficient responses from government officials.

The stories of these women run together in a horror plot that involves countless obstacles to reporting, near-dismissal, and a reluctance to investigate from those in charge, as well as forcibly implemented nondisclosure agreements that hinder the complainant's chances of reemployment and their ability to warn others.

"I agreed not to file a civil suit in exchange for [him to get] a HIV test," Crothers said, adding the "loss of anonymity" after going public "follows you."

"I really didn't think there was another way out aside from suicide," said Hebert, who was one of the first women to complain about Lopez groping and harassing female staffers, of her experience.

"These things that are happening are not the product of an individual harasser, they're not mistakes," Pasarell, another complainant against Lopez, added. "It's massive, it's systemic, and whenever I hear a new person coming out I say, 'hey remember us, remember this happened to us in 2012?'"

It's a cycle that exploits women and protects men who behave abhorrently and, as Grenell pointed out, it's a reality yet unchanged by Governor Andrew Cuomo's [claims \(https://www.democratandchronicle.com/story/news/politics/albany/2018/04/02/does-new-yorks-new-sexual-harassment-laws-go-far-enough/478703002/\)](https://www.democratandchronicle.com/story/news/politics/albany/2018/04/02/does-new-yorks-new-sexual-harassment-laws-go-far-enough/478703002/) that New York has the "strongest and most comprehensive anti-sexual harassment protections in the nation" following the recent budget, wherein the anti-harassment legislation was passed. Grenell compared the governor's statement to the "mission accomplished sign" former President George W. Bush stood in front of during 2003 remarks about the war in Iraq, only two months after the U.S. first invaded.

The Working Group is calling for Cuomo to hold public hearings to listen to victims of sexual harassment -- as its members demanded before the policies were decided by all-male leadership with little apparent regard for the opinions of victims. The group's [Harassment-Free Albany \(https://www.harassmentfreealbany.com/\)](https://www.harassmentfreealbany.com/) website states: "New York State has not held a state hearing on sexual harassment since Governor Mario Cuomo [Andrew Cuomo's father] created a Sexual Harassment Task Force in 1992."

The reporting system has no transparency for complainants, limited uniformity, and an obvious lack of objectivity, the panel urges. For example, when Vladimer, who this January publicly accused now-Deputy Democratic Conference Leader Jeff Klein of kissing her forcibly and against her will outside a bar in 2015, was asked where her case is at now, she said she has no idea.

"Your guess is as good as mine," Vladimer told event attendees on Tuesday. "[It's with] the state's Joint Commission on Public Ethics [JCOPE], which under some very vague executive law somehow has the authority to investigate sexual harassment claims. There are no experts on this commission and the commissioners who vote to decide whether or not there is wrongdoing are all appointed by elected officials." They are also [almost all men \(https://www.jcope.ny.gov/commissioners\)](https://www.jcope.ny.gov/commissioners), with one woman in 14 commissioners.

"I don't know where my investigation is and I think that's one of the biggest things we've talked about is that there is no transparency and I know, and have been told, I don't have a right to know where my investigation's going," Vladimer added.

When Vladimer went public, Klein immediately denied the allegations, and Senate Majority Leader John Flanagan said the Senate would not investigate given no formal complaint had been lodged with its internal staff. Klein himself asked JCOPE to investigate, but other than Klein indicating an investigation had commenced, there is little information to go by.

In the lead-up to the new state budget, Cuomo had called for sweeping anti-sexual harassment policies, including greater resources for and [transparency \(https://www.wivb.com/news/local-news/governor-cuomo-delivers-his-state-of-the-state-address/1083202760\)](https://www.wivb.com/news/local-news/governor-cuomo-delivers-his-state-of-the-state-address/1083202760) in JCOPE investigations. While Cuomo pushed through some measures, those JCOPE recommendations were not among what was passed into law.

The same Klein accused of sexually harassing Vladimer was one of the three other elected men, and no elected women, who assisted Cuomo in deciding the sexual harassment legislation this March, ahead of the annual budget. According to the [budget \(http://nyassembly.gov/leg/?default_fld=6leg_video=6bn=S07507&term=2017&Summary=Y&Actions=Y&Committee=V&Floor=V&Votes=Y&Memo=Y&Text=Y&LFIN=Y\)](http://nyassembly.gov/leg/?default_fld=6leg_video=6bn=S07507&term=2017&Summary=Y&Actions=Y&Committee=V&Floor=V&Votes=Y&Memo=Y&Text=Y&LFIN=Y) there are five measures designed to address sexual harassment in state politics -- as the governor's office puts it, to "further build upon his 2018 Women's Agenda for New York."

In a press release announcing highlights of the new budget in March, Cuomo said, "We put into place the strongest and most comprehensive anti-sexual harassment protections in the nation, ending once and for all the secrecy and coercive practices that have enabled this unacceptable behavior for far too long."

Under the new legislation, all employers working with the state, including vendors and contractors, must implement a written policy addressing sexual harassment prevention and provide prevention training to all employees. This is an extension of a previously-existing law to include contracted workers, and means that employers may now be held liable for the sexual harassment of non-employees if the

employer knew, or should have known, of the harassment and failed to take action. It does not, however, address the ambiguity around employees of elected officials.

The Sexual Harassment Working Group is recommending the definition of "employee" be changed to clearly include employees of elected and appointed officials, and that the New York State Human Rights Law should stipulate elected officials are also considered "employers."

"Our recommendation is to specify employees as everybody -- essentially someone for hire -- this is how the labor law defines it and we just want every worker to have the same protection, including staff of elected officials," Pasarell told Tuesday night's event.

In the new legislation, New York employers are prohibited from requiring mandatory arbitration of claims of workplace sexual harassment, except where inconsistent with federal law, and this will come into effect in July.

Any officers and employees of the state or any public entity who is subject to a final judgement of personal liability in cases of sexual harassment will have to reimburse the state for the award given to the complainant, however the Sexual Harassment Working Group points out this is only applicable for cases determined by a judge, not necessarily to those settled out of court.

Cuomo's legislation also states no employer has the authority to include or agree to include in any settlement a nondisclosure agreement, unless the condition of confidentiality is the complainant's preference. And, notably, a model sexual harassment guidance document and a sexual harassment prevention policy is to be created with the Division of Human Right by October -- meaning a key portion of the new policy is not yet written.

"This year, Governor Cuomo signed the strongest anti-sexual harassment policy in the country," Dani Lever, press secretary for Cuomo, told Gotham Gazette in a statement. "It closed gaping loopholes that entrapped women in toxic workplaces, extended protections to contracted workers, and strengthened rules that prevent companies from shirking their responsibility to root out bad actors--instead of sweeping problems under-the-rug."

On the surface, all measures included in the [enacted budget \(https://www.budget.ny.gov/pubs/press/2018/pr-enactfy19.html\)](https://www.budget.ny.gov/pubs/press/2018/pr-enactfy19.html) appear to go a long way towards exactly what the governor is promising but, according to the panel of women who've experienced sexual harassment in state politics first-hand, there are some areas of ambiguity that impede the path to reporting and justice for potential victims.

First, the budget hasn't defined "sexual harassment" and the way the issue is currently treated under state law leaves much room for interpretation. The Sexual Harassment Working Group recommends adding "sex and gender" to the list of classes protected from discrimination in the New York State Constitution, to offer another level of protection for all New Yorkers, including victims. And the authors suggest the current standard for behavior to qualify as sexual harassment in state law -- that it must be "severe or pervasive" -- be changed to mirror the recent changes to New York City law, where the standard for discrimination and harassment reads simply that the person is treated "less well."

"When you're talking about standards in law, the 'litigative itch,' as they call it, is all in these terms," Kaiser said. "People are always going to bicker about the actual event that happened. We'd prefer that bickering to be asking, 'didn't he treat her less well?' Rather than, 'was it severe and pervasive?'"

The working group is also calling for an independent body to oversee all discrimination harassment policy enforcement. At the moment, JCOPE members are appointed by state elected officials. Of the 14 members, three are appointed by the Temporary President of the Senate, three are appointed by the Speaker of the Assembly, one is appointed by the Minority Leader of the Senate, one is appointed by the Minority Leader of the Assembly, and six are appointed by the Governor and the Lieutenant Governor.

Many of the stories from the women in The Sexual Harassment Working Group involve some level of disbelief from those charged with investigating their reports of sexual harassment. In Crothers' case, it wasn't only disbelief, it was outright protection of her alleged attacker.

"Before it came out in the press and when I met with the speaker [Sheldon Silver], I didn't feel he didn't believe me, he just said 'well I won't let him go out to bars anymore and my first priority is protecting the institution,'" Crothers said at the panel event. Silver resigned as speaker in 2015 after being arrested on federal corruption charges, and long after being accused of facilitating former Assemblymember Lopez's harassment of eight women who were on his staff. The panelists believe this culture of cover-up and protection will continue unless there is an independent body appointed to investigate, and determine, reports of sexual misconduct in Albany.

It's the Lopez example that best shows the need for further restrictions around the use of nondisclosure agreements, beyond what is outlined in the new legislation. Two of the women in the working group, who were on the panel, ultimately signed nondisclosure agreements after accusing the former Assembly member of sexual harassment and groping. They said they didn't want a nondisclosure agreement -- it wasn't implemented to protect their privacy -- but it was offered to them as a 'take it or leave it' measure.

"We wanted an investigation, we asked multiple times for an investigation," Hebert said. Hebert's name went public, despite her having signed a nondisclosure agreement, when reports from other victims were published by the media ahead of Lopez's resignation in 2013. Instead of an investigation, Hebert said she, along with Pasarell, were made to sign nondisclosure agreements and were told Lopez would go through sexual harassment prevention training.

"The NDA, it wasn't just that...we couldn't speak to anyone," Hebert said. "It was, at first, \$10,000 in liquidated damages if we broke it for every occurrence, and it would happen with a mediator behind closed doors so no one would know they were enforcing the agreement. And it also contained a provision that we could never apply to the Assembly again." This last measure effectively limiting their opportunities to work in state government, and the fine making it impossible for the complainants to explain their circumstances to future employers, file for unemployment benefits, or warn others or the Human Rights Division of Lopez's behavior.

They pushed back on their exclusion from the Assembly and the response was, "we could never apply to Lopez's office again, which was fine, but they increased our liquidated damages cost to \$20,000," Hebert said.

Pasarell, another of Lopez's victims, said the anti-sexual harassment legislation in the budget regarding nondisclosure agreements -- that they can only be used in cases where the complainant consents -- can too easily be twisted to benefit the harasser.

"The way they phrased the new law is for the complainant to have a nondisclosure agreement, it's got to be the complainant's preference. In our case we saw repeatedly how the Assembly portrayed it as if it was our preference when it absolutely was not," she said. "The nondisclosure agreement came to us very late in the game and it was 'take it or leave it.'"

Women reporting sexual harassment will be better assisted, The Sexual Harassment Working Group argues, if the Legislature provides greater protection against victim coercion into signing nondisclosure agreements. The group also recommends the law allow for individual liability, so harassers can be targeted without taking the Legislature or State to arbitration or court. And, in cases where complainants do want a nondisclosure agreement for confidentiality reasons, there should be a "Sunshine in Litigation" law to prevent serial harassers (who've offended at least once prior) from re-offending. "Limited information would be shared but a pattern of harassment would be outed," Pasarell said.

The way to change the culture of sexual harassment and exploitation is through changing the law, The Sexual Harassment Working Group maintains, and the way to do that is through consulting with victims, advocacy groups, and others, including lawmakers -- a process much more extensive than how Cuomo and legislative leaders, all men, went about it.

In response to The Sexual Harassment Working Group's report, Cuomo's team said it will review the recommendations but gave no indication of whether or not they will consider holding or pushing for a public hearing on the issue.

"No woman should ever be violated, let alone in the workplace—period. And that's why Governor Cuomo has championed measures that hold employers accountable for ensuring a hospitable workplace," Lever, Cuomo's press secretary, told Gotham Gazette. "The 'Me Too' movement has caused an awakening in our society, and while we've taken positive concrete steps in New York, we need to continue to see progress in our state and across the country. We look forward to reviewing these recommendations and continuing this important work."

by Caitlin Bishop, Gotham Gazette

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[Read more by this writer. \(/contact/1609?Itemid=327\)](#)

Note: this article has been corrected to reflect that Lopez allegedly harassed eight women on 33 counts, not 33 women; that two, not three, of the women mentioned signed NDAs; and that Kaiser reported Kellner's behavior to the Assembly counsel's office, not Speaker Silver directly.

[TAGS: ANDREW CUOMO \(/COMPONENT/TAGS/TAG/ANDREW-CUOMO\)](#) • [JEFF KLEIN \(/COMPONENT/TAGS/TAG/JEFF-KLEIN\)](#) • [SHELDON SILVER \(/COMPONENT/TAGS/TAG/SHELDON-SILVER\)](#) • [STATE BUDGET \(/COMPONENT/TAGS/TAG/STATE-BUDGET\)](#) • [STATE LEGISLATURE \(/COMPONENT/TAGS/TAG/STATE-LEGISLATURE\)](#) • [JCOPE \(/COMPONENT/TAGS/TAG/JCOPE\)](#) • [SEXUAL ASSAULT \(/COMPONENT/TAGS/TAG/SEXUAL-ASSAULT\)](#) • [ALEXIS GRESELL \(/COMPONENT/TAGS/TAG/ALEXIS-GRESELL\)](#) • [SEXUAL HARASSMENT \(/COMPONENT/TAGS/TAG/SEXUAL-HARASSMENT\)](#) • [VITO LOPEZ \(/COMPONENT/TAGS/TAG/VITO-LOPEZ\)](#) • [SEXUAL HARASSMENT WORKING GROUP \(/COMPONENT/TAGS/TAG/SEXUAL-HARASSMENT-WORKING-GROUP\)](#)



From: [Redacted in original production] <[Redacted]@exec.ny.gov>
Sent: Tuesday, August 7, 2018 5:52 PM
To: TU Letters
Cc: [Redacted]
Subject: LTE re: DCJS Coverage

The below letter to the editor should be attributed to Dani Lever. Thank you.

To the editor:

Recent coverage of workplace harassment and wrongful termination allegations at the State Division of Criminal Justice Services by the Times Union either misrepresented the facts, or blatantly ignored them. With something as important as the safety and wellbeing of victims who feel they have been harassed, the facts matter, and it is why every allegation must be thoroughly and rigorously investigated.

Last week, the four individuals named in a related wrongful termination suit all filed motions to dismiss citing what they say are blatant falsehoods and legal inaccuracies contained in the suit. All of this documentation is readily available. Rather than even mention this development, the Times Union decided to instead run a story days later alleging the Governor's Counsel, who is not a party to this case, delayed taking action. To be clear, this is also an outright falsehood.

The Executive Chamber actually took action and referred the allegations to the agency tasked with investigating these cases immediately – not months – after they came to our attention. Furthermore, this is a matter that the Governor takes so seriously that we fought to include groundbreaking new reforms in this year's budget to ensure employees are safe and protected.

We are in the season where political opponents look to seize and distort anything they can in order to score cheap points. We just hope that moving forward, the Times Union sticks to reporting on these matters, rather than participating in it themselves.

Dani Lever
Press Secretary
Governor Andrew M. Cuomo



MEMORANDUM

December 3, 2018

TO: All Executive Chamber Employees

FROM: Lauren Grasso, Director of Administrative Services

SUBJECT: Investigation of Complaints of Protected Class
Employment Discrimination

Effective December 1, 2018, all complaints of protected class employment discrimination will be investigated by the Governor's Office of Employee Relations (GOER) Anti-Discrimination Investigations Division.

If you have any questions about what constitutes protected class employment discrimination, please refer to the Equal Employment Opportunity Rights and Responsibilities Handbook for New York State Employees (*Handbook*) located at <https://goer.ny.gov/equal-employment-opportunity-rights-and-responsibilities-handbook-employees-new-york-state-agencies> and on the Executive Chamber Intranet. The Handbook is the State's anti-discrimination policy.

Below please find information on how to file complaints of protected class employment discrimination.

Filing an Internal Complaint

A complaint form that you may use is located on the Executive Chamber Intranet. A copy of this complaint form is located on the GOER website at <https://goer.ny.gov/new-york-state-discrimination-complaint-form>. You may submit this form electronically to GOER or print it out and mail directly to GOER at the address on the form.

You may also file a complaint with your supervisor, manager, Executive Staff, Counsel's Office or Human Resources. Each of these individuals is required to send your

complaint to GOER so that it will be investigated. If you file a complaint with any of these individuals and you do not hear from a GOER investigator within **one week**, please contact GOER at (518) 474-1920 to ensure that GOER received your complaint.

Filing an External Complaint

Employees are not required to pursue the internal complaint procedure before filing a complaint with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or with a court, based on federal or state or local law.

The following agencies can provide information to employees and receive and investigate complaints of protected class employment discrimination.

- New York State Division of Human Rights
Website: www.dhr.ny.gov
Telephone: (888) 392-3644
TTY number: (718) 741-8300

- United States Equal Employment Opportunity Commission
Website: www.eeoc.gov
Telephone: (800) 669-4000
TTY number: (800) 669-6820
ASL Video Phone: (844) 234-5122

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	62	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	What email to connect you to my comms friend at Amazon	10/17/2017	10/17/2017 11:29:29 AM(UTC-4)
[REDACTED]	63	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	[REDACTED]@gmail	10/17/2017	10/17/2017 11:29:56 AM(UTC-4)
[REDACTED]	64	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Grest she said she's happy to chat	10/17/2017	10/17/2017 11:30:03 AM(UTC-4)
[REDACTED]	65	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Thank you!!	10/17/2017	10/17/2017 11:30:05 AM(UTC-4)
[REDACTED]	103	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	When gov says things like "don't do that team work stuff w [REDACTED]" etc what is he saying really	4/19/2018	4/19/2018 9:31:25 PM(UTC-4)
[REDACTED]	104	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Has he said stuff like that to you?	4/19/2018	4/19/2018 9:31:33 PM(UTC-4)
[REDACTED]	105	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Yes. He wants closets	4/19/2018	4/19/2018 9:31:44 PM(UTC-4)
[REDACTED]	106	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Closers	4/19/2018	4/19/2018 9:31:46 PM(UTC-4)
[REDACTED]	107	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	People that bring things over the finish line	4/19/2018	4/19/2018 9:31:53 PM(UTC-4)
[REDACTED]	108	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	He isn't into [REDACTED] which is a problem because she's fabulous	4/19/2018	4/19/2018 9:32:04 PM(UTC-4)
[REDACTED]	109	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Yeah I don't get it	4/19/2018	4/19/2018 9:32:12 PM(UTC-4)
[REDACTED]	110	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	But he gets an impression of someone once and can't shake	4/19/2018	4/19/2018 9:32:16 PM(UTC-4)
[REDACTED]	111	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	It's irrational	4/19/2018	4/19/2018 9:32:20 PM(UTC-4)
[REDACTED]	112	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Is there anything I can do to change that or just try and not mention when we are doing something together	4/19/2018	4/19/2018 9:33:05 PM(UTC-4)
[REDACTED]	113	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Which is always on Puerto Rico	4/19/2018	4/19/2018 9:33:11 PM(UTC-4)
[REDACTED]	114	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Bc she has the foundation experience and a clear passion for this stuff too	4/19/2018	4/19/2018 9:34:01 PM(UTC-4)
[REDACTED]	115	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	I know and she's so good	4/19/2018	4/19/2018 9:40:42 PM(UTC-4)
[REDACTED]	116	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	I think it would be helpful to prop her up to him	4/19/2018	4/19/2018 9:40:50 PM(UTC-4)
[REDACTED]	117	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	If you get the opportunity	4/19/2018	4/19/2018 9:40:54 PM(UTC-4)
[REDACTED]	118	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I will.	4/19/2018	4/19/2018 9:41:08 PM(UTC-4)
[REDACTED]	119	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	It feels wrong not to mention her or turn conversation to her in parts where she has contributed something.	4/19/2018	4/19/2018 9:41:37 PM(UTC-4)
[REDACTED]	120	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I will keep working on it	4/19/2018	4/19/2018 9:41:48 PM(UTC-4)
[REDACTED]	121	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Yes. He's being ridiculous. She's brilliant and so hardworking and good!!	4/19/2018	4/19/2018 9:42:20 PM(UTC-4)
[REDACTED]	122	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	She's not a pusher	4/19/2018	4/19/2018 9:42:25 PM(UTC-4)
[REDACTED]	123	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	He likes pushers	4/19/2018	4/19/2018 9:42:28 PM(UTC-4)
[REDACTED]	124	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	What is a pusher I need to learn	4/19/2018	4/19/2018 9:42:43 PM(UTC-4)
[REDACTED]	125	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	and finish line crossers	4/19/2018	4/19/2018 9:42:45 PM(UTC-4)
[REDACTED]	126	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	The Lingo!	4/19/2018	4/19/2018 9:42:51 PM(UTC-4)
[REDACTED]	127	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Which you can be but he needs to know she's good too	4/19/2018	4/19/2018 9:43:13 PM(UTC-4)
[REDACTED]	128	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Like political savvy and when someone gives you a no you have to get them to yes without him telling you to do that	4/19/2018	4/19/2018 9:43:40 PM(UTC-4)
[REDACTED]	129	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Gotcha	4/19/2018	4/19/2018 9:44:01 PM(UTC-4)
[REDACTED]	130	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Let's talk in person about it tomorrow	4/19/2018	4/19/2018 9:44:24 PM(UTC-4)
[REDACTED]	161	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I can't sometimes w this job	6/26/2018	6/26/2018 5:18:28 PM(UTC-4)
[REDACTED]	162	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I literally cannot	6/26/2018	6/26/2018 5:21:19 PM(UTC-4)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	163	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I'm so fucking pissed. What a waste of entertain	6/26/2018	6/26/2018 5:21:46 PM(UTC-4)
[REDACTED]	164	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Energy	6/26/2018	6/26/2018 5:21:49 PM(UTC-4)
[REDACTED]	165	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	It's pointless	6/26/2018	6/26/2018 5:21:57 PM(UTC-4)
[REDACTED]	166	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I should have stayed at esd	6/26/2018	6/26/2018 5:22:01 PM(UTC-4)
[REDACTED]	167	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	At least people there treat each other with respect	6/26/2018	6/26/2018 5:22:16 PM(UTC-4)
[REDACTED]	168	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Hang on going to call you in a few	6/26/2018	6/26/2018 5:36:57 PM(UTC-4)
[REDACTED]	169	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	You ok?	6/26/2018	6/26/2018 6:53:16 PM(UTC-4)
[REDACTED]	207	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I think you should do a book list. I'd read yours before bill gates.	7/2/2018	7/2/2018 8:00:44 PM(UTC-4)
[REDACTED]	208	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I'm tired of the old dudes telling me what I'll like to Read w a glass of wine or I. The bath	7/2/2018	7/2/2018 8:01:11 PM(UTC-4)
[REDACTED]	209	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I'm going to bring you something tmew	7/2/2018	7/2/2018 8:02:21 PM(UTC-4)
[REDACTED]	210	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Tmrw. I give to my wellesley friends	7/2/2018	7/2/2018 8:02:30 PM(UTC-4)
[REDACTED]	211	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Well, my lady friends really	7/2/2018	7/2/2018 8:02:40 PM(UTC-4)
[REDACTED]	212	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Do you like Nora Ephron	7/2/2018	7/2/2018 8:03:36 PM(UTC-4)
[REDACTED]	213	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Yes please	7/2/2018	7/2/2018 8:52:45 PM(UTC-4)
[REDACTED]	214	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Also we should have a book club af work	7/2/2018	7/2/2018 8:52:53 PM(UTC-4)
[REDACTED]	215	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Annabel is a reader too	7/2/2018	7/2/2018 8:52:57 PM(UTC-4)
[REDACTED]	216	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I know she is. She's my gal	7/2/2018	7/2/2018 8:56:24 PM(UTC-4)
[REDACTED]	217	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	You and she and jill. And [REDACTED]	7/2/2018	7/2/2018 9:00:41 PM(UTC-4)
[REDACTED]	218	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	My favorite women I have such high hopes for	7/2/2018	7/2/2018 9:00:54 PM(UTC-4)
[REDACTED]	219	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	And [REDACTED]	7/2/2018	7/2/2018 9:01:02 PM(UTC-4)
[REDACTED]	250	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I wanted to tell you I have had so much fun working with you and being on the road with you. I know the stuff with [REDACTED] will work out. You are such a good person. All my best. Linds	7/25/2018	7/25/2018 2:43:06 PM(UTC-4)
[REDACTED]	251	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	What do you mean????	7/25/2018	7/25/2018 2:45:32 PM(UTC-4)
[REDACTED]	252	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Where are you going?	7/25/2018	7/25/2018 2:45:35 PM(UTC-4)
[REDACTED]	253	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I quit today	7/25/2018	7/25/2018 3:02:19 PM(UTC-4)
[REDACTED]	254	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I remember being at the moment you are at w [REDACTED]. Twice. Each time worked out differently	7/25/2018	7/25/2018 3:04:01 PM(UTC-4)
[REDACTED]	255	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	And I wouldn't regret it.	7/25/2018	7/25/2018 3:04:07 PM(UTC-4)
[REDACTED]	256	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I remember meeting [REDACTED] and [REDACTED] at that Super Bowl thing. What a great family	7/25/2018	7/25/2018 3:04:21 PM(UTC-4)
[REDACTED]	257	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Treasure that. ♥	7/25/2018	7/25/2018 3:04:28 PM(UTC-4)
[REDACTED]	258	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Are you still here? Do you want to talk?	7/25/2018	7/25/2018 3:12:46 PM(UTC-4)
[REDACTED]	259	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	What happened you can't quit	7/25/2018	7/25/2018 3:12:47 PM(UTC-4)
[REDACTED]	260	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Yes I'm home with [REDACTED]. I quit. I can't look myself in the mirror after being treated like that. I'll really miss you can we do a book club???	7/25/2018	7/25/2018 3:13:21 PM(UTC-4)
[REDACTED]	261	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	W Annabel!!!	7/25/2018	7/25/2018 3:13:25 PM(UTC-4)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	262	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Why don't you spend the day at home and sleep on it	7/25/2018	7/25/2018 3:14:02 PM(UTC-4)
[REDACTED]	263	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	?	7/25/2018	7/25/2018 3:15:49 PM(UTC-4)
[REDACTED]	264	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Hey just tried you - can you call me back?	7/25/2018	7/25/2018 3:30:23 PM(UTC-4)
[REDACTED]	265	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)		7/25/2018	7/25/2018 5:49:38 PM(UTC-4)
[REDACTED]	266	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I just saw this and thought of you. If [REDACTED] does these things it's worth feeling out through the bad periods.	7/25/2018	7/25/2018 5:49:58 PM(UTC-4)
[REDACTED]	267	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	It's really sappy I know but when I'm in a contemplative place like you are it can be helpful.	7/25/2018	7/25/2018 5:50:22 PM(UTC-4)
[REDACTED]	268	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	♥♥♥♥	7/25/2018	7/25/2018 6:03:12 PM(UTC-4)
[REDACTED]	283	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Yes I'm ok. It's just too much. All the time.	8/1/2018	8/1/2018 7:04:48 PM(UTC-4)
[REDACTED]	284	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	I'm on my way back	8/1/2018	8/1/2018 7:04:52 PM(UTC-4)
[REDACTED]	285	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	I didn't stay up there	8/1/2018	8/1/2018 7:04:56 PM(UTC-4)
[REDACTED]	286	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Totally get it	8/1/2018	8/1/2018 7:04:58 PM(UTC-4)
[REDACTED]	287	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	I just was done	8/1/2018	8/1/2018 7:05:00 PM(UTC-4)
[REDACTED]	288	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I had to get the hell lit	8/1/2018	8/1/2018 7:05:03 PM(UTC-4)
[REDACTED]	289	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Lit	8/1/2018	8/1/2018 7:05:05 PM(UTC-4)
[REDACTED]	290	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Out	8/1/2018	8/1/2018 7:05:08 PM(UTC-4)
[REDACTED]	291	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Apparently some part of me wanted to get lit instead	8/1/2018	8/1/2018 7:05:17 PM(UTC-4)
[REDACTED]	292	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	But yeah. I. Got out	8/1/2018	8/1/2018 7:05:24 PM(UTC-4)
[REDACTED]	293	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	He was in such a crummy mood today. I'm sorry I just know he said something unfair and not about you at all todsy	8/1/2018	8/1/2018 7:05:46 PM(UTC-4)
[REDACTED]	294	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I do t know what but I'm sure he was wrong	8/1/2018	8/1/2018 7:05:56 PM(UTC-4)
[REDACTED]	295	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Hahaha	8/1/2018	8/1/2018 7:08:01 PM(UTC-4)
[REDACTED]	296	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	He was	8/1/2018	8/1/2018 7:08:04 PM(UTC-4)
[REDACTED]	297	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	But is it goes	8/1/2018	8/1/2018 7:08:07 PM(UTC-4)
[REDACTED]	298	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I'm sure he knows he was wrong too	8/1/2018	8/1/2018 7:08:28 PM(UTC-4)
[REDACTED]	299	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	You k ow that	8/1/2018	8/1/2018 7:08:32 PM(UTC-4)
[REDACTED]	300	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Anything i can do	8/1/2018	8/1/2018 8:11:07 PM(UTC-4)
[REDACTED]	301	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	No thank you tho so sweet	8/1/2018	8/1/2018 8:31:29 PM(UTC-4)
[REDACTED]	7787	[REDACTED] Annabel Walsh	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I want to leave my	9/17/2018	9/17/2018 7:29:01 PM(UTC-4)
[REDACTED]	7788	[REDACTED] Annabel Walsh	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	But I don't think I can	9/17/2018	9/17/2018 7:29:04 PM(UTC-4)
[REDACTED]	7789	[REDACTED] Annabel Walsh	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I actually fucking hate this place	9/17/2018	9/17/2018 7:35:46 PM(UTC-4)
[REDACTED]	7790	[REDACTED] Dani Lever	[REDACTED] Annabel Walsh @gmail.com Dani Lever (owner)	What's happening	9/17/2018	9/17/2018 7:36:09 PM(UTC-4)
[REDACTED]	7791	[REDACTED] Annabel Walsh	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Nothing I just hate this place I would never agree with Lindsey on anything but it is ducking toxic	9/17/2018	9/17/2018 7:36:52 PM(UTC-4)
[REDACTED]	7792	[REDACTED] Dani Lever	[REDACTED] Annabel Walsh @gmail.com Dani Lever (owner)	Did something actually happen	9/17/2018	9/17/2018 7:38:16 PM(UTC-4)
[REDACTED]	7793	[REDACTED] Annabel Walsh	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	No	9/17/2018	9/17/2018 7:39:45 PM(UTC-4)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
+ [REDACTED]	1218	+ [REDACTED] Peter Ajemien	+ [REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	So hard-earned gossip break: did Lindsey go to the campaign?	9/26/2018	9/26/2018 2:39:30 PM(UTC-4)
+ [REDACTED]	1219	+ [REDACTED] Dani Lever	+ [REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	What???	9/26/2018	9/26/2018 2:55:31 PM(UTC-4)
+ [REDACTED]	1220	+ [REDACTED] Dani Lever	+ [REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	Shut up	9/26/2018	9/26/2018 2:55:32 PM(UTC-4)
+ [REDACTED]	1221	+ [REDACTED] Dani Lever	+ [REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	How did you hear that	9/26/2018	9/26/2018 2:55:39 PM(UTC-4)
+ [REDACTED]	1222	+ [REDACTED] Peter Ajemien	+ [REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Well...she sent an email saying today is her last day in the chamber	9/26/2018	9/26/2018 2:56:05 PM(UTC-4)
+ [REDACTED]	1223	+ [REDACTED] Peter Ajemien	+ [REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	🙄	9/26/2018	9/26/2018 2:56:13 PM(UTC-4)
+ [REDACTED]	1224	+ [REDACTED] Peter Ajemien	+ [REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Sooo???	9/26/2018	9/26/2018 6:05:16 PM(UTC-4)
+ [REDACTED]	1225	+ [REDACTED] Dani Lever	+ [REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	I'm dead over this	9/26/2018	9/26/2018 6:19:01 PM(UTC-4)
+ [REDACTED]	1226	+ [REDACTED] Dani Lever	+ [REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	I haven't heard anything about her coming here	9/26/2018	9/26/2018 6:19:10 PM(UTC-4)
+ [REDACTED]	1227	+ [REDACTED] Dani Lever	+ [REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	What did her email say?	9/26/2018	9/26/2018 6:19:21 PM(UTC-4)
+ [REDACTED]	1228	+ [REDACTED] Peter Ajemien	+ [REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Typos and all	9/26/2018	9/26/2018 6:21:56 PM(UTC-4)
+ [REDACTED]	1229	+ [REDACTED] Dani Lever	+ [REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	Omg	9/26/2018	9/26/2018 6:22:52 PM(UTC-4)

I hope the next person who loves you takes you somewhere nice, and I don't mean lavish restaurants or on a costly vacation. I mean I hope they take you to parts of yourself you haven't yet seen. I hope they never drag you ankle first into your insecurities. I hope they don't shame you with the weapon of your past.

I hope they trace your skin, and show you where the light comes through. I hope they make you feel beautiful in the morning. I hope they walk barefoot inside of you. I hope they light candles just to see clearly. I hope they make you cider and you can tell them of the places you've been, the rubble, the dirt, the barb wired people it took for you to get here. I hope they carry you softly. I hope they take you somewhere nice.

Sabah Khodir

From: Lindsey Boylan

Sent: Wednesday, September 26, 2018 11:42 AM

To: Lindsey Boylan [REDACTED]@exec.ny.gov>

Subject: Thanks for everything

Friends,

This is my last day in chamber.

It has been a true pleasure to work with you. I have so much respect for all that you and your teams do. Keep of the good work for NYS!

All my best,

Linds

[REDACTED]
[REDACTED]
[REDACTED]@gmail.com

Name	Msg #	From	To	Body	Timestamp: Time
Mean Girls	2363	+ [REDACTED] Dani Lever	+ [REDACTED] Melissa Derosa + [REDACTED] Annabel Walsh + [REDACTED] Steph Benton + [REDACTED] Jill DesRosiers + [REDACTED] Andrew Ball + [REDACTED] @gmail.com Dani Lever (owner)	https://twitter.com/lindsey_boylan/status/1091431730727321601?s=21	2/2/2019 8:39:28 AM(UTC-5)
Mean Girls	2364	+ [REDACTED] Steph Benton	+ [REDACTED] Dani Lever (owner) + [REDACTED] Melissa Derosa + [REDACTED] Annabel Walsh + [REDACTED] Jill DesRosiers + [REDACTED] Andrew Ball + [REDACTED] @gmail.com Dani Lever (owner)	Well now we've heard from the real authority.	2/2/2019 9:30:04 AM(UTC-5)
Mean Girls	2365	+ [REDACTED] Jill DesRosiers	+ [REDACTED] Dani Lever (owner) + [REDACTED] Melissa Derosa + [REDACTED] Annabel Walsh + [REDACTED] Steph Benton + [REDACTED] Andrew Ball + [REDACTED] @gmail.com Dani Lever (owner)	Didn't she help negotiate it?	2/2/2019 9:34:29 AM(UTC-5)
Mean Girls	2366	+ [REDACTED] Dani Lever	+ [REDACTED] Melissa Derosa + [REDACTED] Annabel Walsh + [REDACTED] Steph Benton + [REDACTED] Jill DesRosiers + [REDACTED] Andrew Ball + [REDACTED] @gmail.com Dani Lever (owner)	Yup	2/2/2019 9:51:18 AM(UTC-5)



Tweet



Lindsey Boylan @LindseyBoylan · Feb 1, 2019 ...

If @amazon wants to be welcome in New York they are going to have to welcome any efforts employees make to unionize. New York is a union town in a union state. It's that simple.



NYC Council Speaker Corey Johnson @NYCSpea... · Feb 1, 2019

This week at our @NYCCouncil hearing, I asked Brian Huseman (@amazon public policy VP) if the company would allow workers to unionize while remaining neutral during the process.

His response: "No." 6sqft.com/amazon-will-fi...

1

1

5



[See replies](#)

More Tweets



Secular Talk @KyleKulinski · Jun 27 ...

This is 100% unconstitutional. There is no imminent threat to the US and congress didn't approve it.



Phil Stewart @phildstewart · Jun 27

BREAKING - U.S. launches airstrikes against Iran-backed militias, targeted operational and weapons storage facilities at two locations in Syria and one location in Iraq

286

1.7K

9.3K



Krystal Ball @krystalball · 22h ...

Dan Crenshaw: It's time to cancel cancel culture!

Also Dan Crenshaw: Gwen Berry MUST be canceled for daring to protest!

Don't miss what's happening

People on Twitter are the first to know.

[Log in](#)

[Sign up](#)





246 925 6.4K

Read Parable of the Sower by Octavia Butler @JoshuaPotash · 12h
Feels important that hundreds of young people blockaded every entrance to the White House today, demanding climate be incorporated seriously into the infrastructure bill. And that they were then arrested.

22 1.5K 6.3K

Show this thread

Sunrise Movement @sunrisemvmt · 18h
Today we showed up to @JoeBiden's doorstep with 500+ people and blockaded every entrance to the white house, demanding that he include a fully funded #CivilianClimateCorps in his infrastructure bill.

Secret Service then arrested dozens of us.

898 2.4K 6.2K

Show this thread

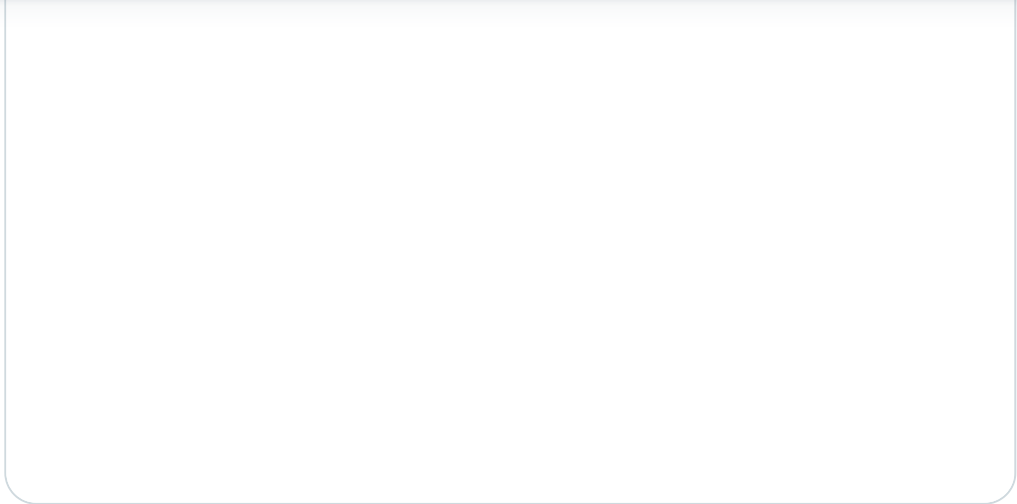
Susan Sarandon @SusanSarandon · Jun 28

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 68

 976

 5.6K



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Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	357	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	How are you	2/5/2019	2/5/2019 10:44:56 AM(UTC-5)
[REDACTED]	358	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Great Here. Let's meet up in next few months. Meanwhile if there is anyone who can outmaneuver and outsmart and win this it's you and him. So I'm thinking of you	2/5/2019	2/5/2019 10:45:50 AM(UTC-5)
[REDACTED]	359	[REDACTED] Lindsey Boylan	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)		2/5/2019	2/5/2019 10:45:55 AM(UTC-5)
Somehow, we're in charge.	966	[REDACTED] Melissa Derosa	[REDACTED] Dani Lever (owner) Steph Benton Annabel Walsh Rich Azzopardi Jim Malatras Robert Mujica Jill DesRosiers Beth Garvey Peter Ajemien @gmail.com Dani Lever (owner)		5/21/2019	5/21/2019 10:25:06 AM(UTC-4)
Somehow, we're in charge.	967	[REDACTED] Dani Lever	[REDACTED] Steph Benton Annabel Walsh Rich Azzopardi Jim Malatras Melissa Derosa Robert Mujica Jill DesRosiers Beth Garvey Peter Ajemien @gmail.com Dani Lever (owner)	What the fuck	5/21/2019	5/21/2019 10:26:32 AM(UTC-4)
Somehow, we're in charge.	968	[REDACTED] Rich Azzopardi	[REDACTED] Dani Lever (owner) Steph Benton Annabel Walsh Jim Malatras Melissa Derosa Robert Mujica Jill DesRosiers Beth Garvey Peter Ajemien @gmail.com Dani Lever (owner)	I thought we outlawed bath salts?	5/21/2019	5/21/2019 10:28:11 AM(UTC-4)
Somehow, we're in charge.	969	[REDACTED] Jim Malatras	[REDACTED] Dani Lever (owner) Steph Benton Annabel Walsh Rich Azzopardi Melissa Derosa Robert Mujica Jill DesRosiers Beth Garvey Peter Ajemien @gmail.com Dani Lever (owner)	Liked "I thought we outlawed bath salts?"	5/21/2019	5/21/2019 11:04:51 AM(UTC-4)
Somehow, we're in charge.	970	[REDACTED] Jim Malatras	[REDACTED] Dani Lever (owner) Steph Benton Annabel Walsh Rich Azzopardi Melissa Derosa Robert Mujica Jill DesRosiers Beth Garvey Peter Ajemien @gmail.com Dani Lever (owner)	Let's release some of her cray emails!	5/21/2019	5/21/2019 11:05:04 AM(UTC-4)
[REDACTED]	368	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	Hey do you have a second?	5/21/2019	5/21/2019 2:58:44 PM(UTC-4)
[REDACTED]	369	[REDACTED] Dani Lever	[REDACTED] Lindsey Boylan @gmail.com Dani Lever (owner)	It's pretty important	5/21/2019	5/21/2019 2:59:26 PM(UTC-4)
[REDACTED]	2940	[REDACTED]	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Lindsey Boylan wtf	5/21/2019	5/21/2019 6:27:20 PM(UTC-4)
[REDACTED]	2941	[REDACTED] Dani Lever	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I can't handle and she won't take my calls	5/21/2019	5/21/2019 6:27:37 PM(UTC-4)
[REDACTED]	2942	[REDACTED]	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Doesn't look like anyone is picking it up	5/21/2019	5/21/2019 6:28:24 PM(UTC-4)
[REDACTED]	9671	[REDACTED] Melissa Derosa	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I think tweet this:	5/21/2019	5/21/2019 7:53:19 PM(UTC-4)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
+ [REDACTED]	9672	+ [REDACTED] Melissa Derosa	+ [REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Ms Boylans baseless and bizarre claims are both false offensive as she is politicizing the serious issues of child care and paid family leave — issues this administration has tackled head on — to conjure a fictitious campaign narrative for herself.	5/21/2019	5/21/2019 7:53:22 PM(UTC-4)
+ [REDACTED]	9673	+ [REDACTED] Dani Lever	+ [REDACTED] Melissa Derosa [REDACTED]@gmail.com Dani Lever (owner)	Don't you think that makes it a thing	5/21/2019	5/21/2019 7:56:55 PM(UTC-4)
+ [REDACTED]	9691	+ [REDACTED] Dani Lever	+ [REDACTED] Melissa Derosa [REDACTED]@gmail.com Dani Lever (owner)	Lindsey - I tried to have this conversation over the phone and do this respectfully but since you didn't respond, I am putting this in writing. On more than one occasion, we had personal conversations about our relationships and personal lives and you'd told me that you could in fact [REDACTED] if you wanted to and stay in this high pressure workplace as long as you had "money to through at the problem" and could afford [REDACTED] and to take taxis. Further, [REDACTED] was always a welcomed part of our office and in fact, [REDACTED] [REDACTED], something we were all supportive of. I'm not quite sure what you are doing and I find it bizarre but if press should come to me asking for a comment, this is what I feel I'll have to say. Or you can dial it down and we can pretend this never happened.	5/23/2019	5/23/2019 12:41:29 PM(UTC-4)
+ [REDACTED]	9692	+ [REDACTED] Dani Lever	+ [REDACTED] Melissa Derosa [REDACTED]@gmail.com Dani Lever (owner)	Does this sound like a threat	5/23/2019	5/23/2019 12:41:35 PM(UTC-4)
+ [REDACTED]	9693	+ [REDACTED] Melissa Derosa	+ [REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Lindsey - I tried to have this conversation over the phone and do this respectfully but since you didn't respond, I am putting this in writing. On more than one occasion, we had personal conversations about our relationships and personal lives and you told me that you could in fact [REDACTED] if you wanted to and stay in the workplace as long as you had "money to throw at the problem" and could afford [REDACTED] and to take taxis. Further, [REDACTED] was always a welcomed part of our office and in fact, [REDACTED] [REDACTED] something we were all supportive of. I'm not quite sure what you are doing and find it bizarre but if press should come to me asking for comment, I will be honest.	5/23/2019	5/23/2019 12:44:32 PM(UTC-4)
+ [REDACTED]	9694	+ [REDACTED] Melissa Derosa	+ [REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Lindsey - I tried to have this conversation over the phone and do this respectfully but since you didn't respond, I am putting this in writing. On more than one occasion, we had personal conversations about our relationships and personal lives and you told me that you could in fact [REDACTED] if you wanted to and stay in the workplace because you had "money to throw at the problem" and could afford [REDACTED] and to take taxis. Further, [REDACTED] was always a welcomed part of our office and in fact, [REDACTED] [REDACTED] something we were all supportive of. I'm not quite sure what you are doing and find it bizarre but if press should come to me asking for comment, I will be honest.	5/23/2019	5/23/2019 12:45:17 PM(UTC-4)
+ [REDACTED]	9695	+ [REDACTED] Dani Lever	+ [REDACTED] Melissa Derosa [REDACTED]@gmail.com Dani Lever (owner)	What do we think?	5/23/2019	5/23/2019 12:50:16 PM(UTC-4)
+ [REDACTED]	9696	+ [REDACTED] Melissa Derosa	+ [REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	I don't nbos	5/23/2019	5/23/2019 12:50:29 PM(UTC-4)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	9697	[REDACTED] Melissa Derosa	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Know	5/23/2019	5/23/2019 12:50:31 PM(UTC-4)
Somehow, we're in charge.	1388	[REDACTED] Melissa Derosa	[REDACTED] Dani Lever (owner) Steph Benton Annabel Walsh Rich Azzopardi Jim Malatras Robert Mujica Jill DesRosiers Beth Garvey Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	https://www.nydailynews.com/news/politics/n-y-nadler-boylan-primary-challenger-woman-contender-liberal-manhattan-20190709-kmri6zj465dnxb4443miazqqa-story.html	7/8/2019	7/8/2019 9:18:49 PM(UTC-4)
Somehow, we're in charge.	1389	[REDACTED] Jim Malatras	[REDACTED] Dani Lever (owner) Steph Benton Annabel Walsh Rich Azzopardi Melissa Derosa Robert Mujica Jill DesRosiers Beth Garvey Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	My g-d.	7/8/2019	7/8/2019 9:30:00 PM(UTC-4)
Somehow, we're in charge.	1390	[REDACTED] Rich Azzopardi	[REDACTED] Dani Lever (owner) Steph Benton Annabel Walsh Jim Malatras Melissa Derosa Robert Mujica Jill DesRosiers Beth Garvey Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	Welp there goes whatever progress I've made this week	7/8/2019	7/8/2019 9:35:00 PM(UTC-4)
Somehow, we're in charge.	1391	[REDACTED] Steph Benton	[REDACTED] Dani Lever (owner) Annabel Walsh Rich Azzopardi Jim Malatras Melissa Derosa Robert Mujica Jill DesRosiers Beth Garvey Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	When do we release the nuclear crazy file? I'm ready to testify.	7/8/2019	7/8/2019 10:44:48 PM(UTC-4)
Somehow, we're in charge.	1392	[REDACTED] Jim Malatras	[REDACTED] Dani Lever (owner) Steph Benton Annabel Walsh Rich Azzopardi Melissa Derosa Robert Mujica Jill DesRosiers Beth Garvey Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	Liked "When do we release the nuclear crazy file? I'm ready to testify."	7/8/2019	7/8/2019 10:53:41 PM(UTC-4)



Tweet



Lindsey Boylan
@Lindsey_Boylan



I was the only mother of young children on senior staff in my last job in politics. They didn't "get it" even with all the "right" policies. It was a toxic and demoralizing experience. Now I run my own company full of, especially moms.
[#lindseyboylanforcongress](#)
[#primarynadler](#)



Adrienne LaFrance ✓ @AdrienneLaF · 31m

"Inflexibility around childcare is, quite simply, going to cost firms valuable workers."
theatlantic.com/ideas/archive/...

9:11 AM · 5/21/19 from [Manhattan, NY](#) · [Twitter for iPhone](#)

1 Like



Tweet your reply



11:50

LTE

< 50



Lindsey >

Mar 14, 2020, 4:53 PM

NEWS: The safety of NYers is our top priority.

I'm signing an Executive Order to reduce the # of Petition Signatures to 30% of the statutory threshold; Petition period will end at 5PM, Tues 3/17.

This will ensure our electoral process goes on while safeguarding public health.



Andrew Cuomo

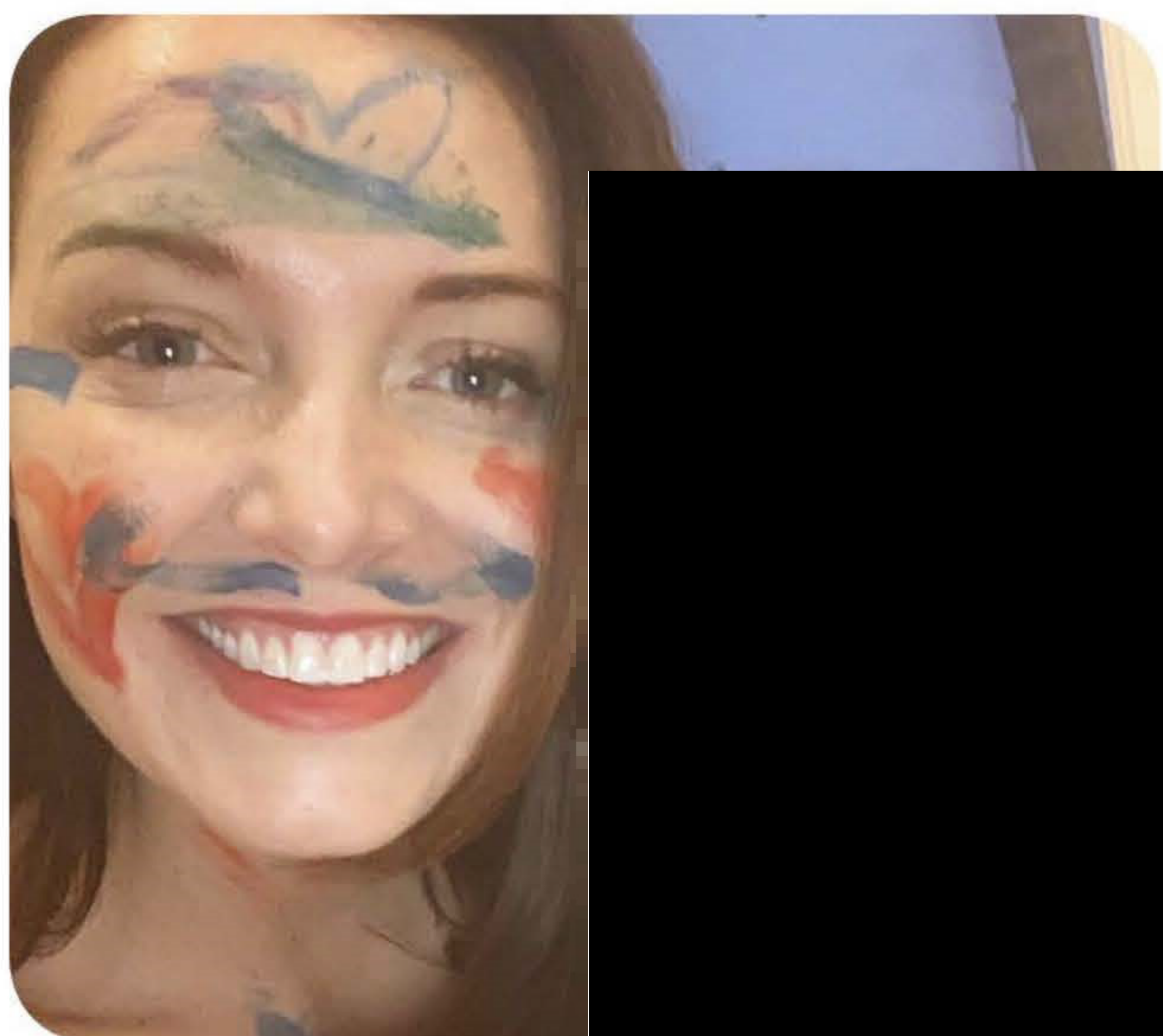
[twitter.com](#)

Absolutely not helpful specific response to a tragedy but please relay that while we are ok, I see what the point is here and I will find ways to respond to the message.



iMessage





The future is coming after assholes.

Wed, May 6, 6:15 PM

I hope that journalists will be looking into NDAs etc as @ericsschmidt suggests people "reimagine" him too. It's so bankrupt that what we do in times of need is turn to people who have been shut out of their



iMessage



Start Date December 29, 2017 12:25:28 AM UTC

End Date December 29, 2017 11:22:44 PM UTC

Chat Dani Lever <+ [REDACTED] (iMessage)>, Annabel Walsh <+ [REDACTED]
Account (Sms)>, Dani Lever <+ [REDACTED], Annabel Walsh <+ [REDACTED]
t (Mms)>, Dani Lever <+ [REDACTED] (Mms)> Annabel Walsh
<+ [REDACTED] (iMessage)>, Dani Lever <+ [REDACTED] (Sms)>, Annabel
Walsh <+ [REDACTED]

Dani Lever <+ [REDACTED] (iMessage)>

 Are you still free? 00:25:28

(no sender information available)

 My life is literally nothing more depressing 00:33:18

I'm at dinner I crashed of a bunch of people and I've never felt
more like a loserrrrr 00:33:32

Dani Lever <+ [REDACTED] (iMessage)>

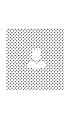
 Who's dinner 01:31:19

Are you ok 02:08:20

(no sender information available)

 Yes totally 02:42:25

Dani Lever <+ [REDACTED] (iMessage)>

 I feel guilty but this is my backyard 15:05:39
[~/Library/SMS/Attachments/e7/07/at_0_A76CE918-4F79-43DD-A323-5CA98F54C647/IMG_3708.jpeg](#)

(no sender information available)

 I mean that's amazing. How's the temp? 19:57:02


I'm in such an awkward heli with Melissa and Gov 19:57:10


Dani Lever <+ [REDACTED] (iMessage)>


AWALSH00000577


EXHIBIT


12


 What why? Going where 19:57:30
(no sender information available)


 Nyc 19:57:36
Dani Lever <+ [REDACTED] (iMessage)>

 But why 19:58:26
For the weekend?? 19:58:32
(no sender information available)

 Yeah he's meeting with deblasio 20:10:02
Dani Lever <+ [REDACTED] (iMessage)>

 What!?! 20:19:54
So you just took a ride? 20:19:59
(no sender information available)

 No they said I had to because **S #5** and Kaitlin aren't there 20:21:29
All of my stuff is still in Albany and I'm so annoyed that I'm awkwardly 3rd wheelinnit 20:21:48
Dani Lever < [REDACTED] (iMessage)>

 I mean who cares 20:42:28
Ride home 20:42:29
When should we phone chat 22:07:12
Annie? 23:20:03
(no sender information available)



Hi

23:22:18

Sorry was staffing him

23:22:23

Dani Lever <+ [REDACTED]> (iMessage)>



Are you ok

23:22:44



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Settings

Thread

Lindsey Boylan @LindseyBoylan

Most toxic team environment? Working for @NYGovCuomo.

Jerry Avenaim @avenaim · Dec 5, 2020
Name the worse job you've ever had.

1:00 PM · Dec 5, 2020 · Twitter for iPhone

1,252 Retweets 311 Quote Tweets 9,293 Likes



Lindsey Boylan @LindseyBoylan · Dec 5, 2020
Replying to @LindseyBoylan

I've had many jobs. Waitressing at @Friendlys as a teenager was an infinitely more respectful environment. Even when I had bad customers who tipped poorly.

24 54 884

Lindsey Boylan @LindseyBoylan · Dec 5, 2020

If people weren't deathly afraid of him, they'd be saying the same thing and you'd already know the stories.

26 85 1K

Lindsey Boylan @LindseyBoylan · Dec 5, 2020

Seriously, the messages and texts I receive when I speak the truth about this...it's a whole book of people who have been harmed.

9 53 860

Lindsey Boylan @LindseyBoylan · Dec 5, 2020

Don't be surprised that it's the same small group of white people sitting alongside him at every presser. The same group that he has had by him the whole time, doing his dirty work. If you're not one of those handful, your life working for him is endlessly dispiriting.

13 70 914

Lindsey Boylan @LindseyBoylan · Dec 5, 2020

I tried to quit three times before it stuck. I've worked hard my whole life. Hustled - fake it till you make it style.

That environment is beyond toxic. I'm still unwrapping it years later in therapy!

20 39 776

Lindsey Boylan @LindseyBoylan · Dec 5, 2020

And I'm a privileged person. I could opt out and eventually did. I shudder to think what happens to others. It pisses me off so much.

7 26 672

Lindsey Boylan @LindseyBoylan · Dec 5, 2020

Yes I did not sign whatever they told me to sign when I left. Nope!

29 30 936

Marcella L. Simonetta @marcellalaluna · Dec 5, 2020

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Lindsey Boylan @LindseyBoylan
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4 a Livable City. Fm
& Urban Planner. C
Manhattan Borogl

Andrew Cuomo @NYGovCuomo
Father, fisherman, n
enthusiast, 56th Go

Jerry Avenaim @avenaim
Award winning pho
Fashion, Celebrity, A
-Chicago Native -Lc
Mental Health Advc

What's happening

Entertainment · LIVE

Happy birthday, Tom Holla
Trending with Tom Holland

Music · Trending
JUST ANNOUNCED
17K Tweets

Trending in United States
HELP THE BEAR
People react to a viral TikTok
fearlessly pushing a bear awa
before running inside to pro
4,843 Tweets

COVID-19 · LIVE
**New York: COVID-19: New
updates for New York**

Holidays · 1 hour ago
**Pride Month celebrations b
across the world**
Trending with #pride LGBTQ

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People on Twitter are the first to know.

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EXHIBIT

13



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Lindsey Boylan @LindseyBoylan · Dec 8, 2020
Yesterday was an extremely weird day, responding to the news world finally waking up about the whispers they have heard about @NYGovCuomo over the years. It's worse than the gossip, by far.

My hope is he is on notice and won't harm more people, especially women.

22 174 1.1K

Lindsey Boylan @LindseyBoylan · Dec 8, 2020
I have very important work to do getting elected so I can help my city recover and my people be heard.

I will not be spending my days responding to the trauma men like @NYGovCuomo have caused every day in power.

Instead I'm getting back to my work.

4 20 265

Lindsey Boylan @LindseyBoylan · Dec 8, 2020
But, you better believe I'll be listening to what I hear out there, @NYGovCuomo. And if other women decide to come forward I will back them up and elaborate.

For now, I am getting back to my important work that made me willing to live in hell so long working for you.

5 40 335

Lindsey Boylan @LindseyBoylan · Dec 8, 2020
When we let our abusers, or onlookers, dictate the conversation we lose. I will not be stopped. I will not be deterred. I will not be minimized and truncated in history as someone that was victimized by a famous and powerful man the world kept elevating.

I will fight.

20 55 442

Replies

D'Abbey-Bonacci @lordgrand7 · Dec 8, 2020
Replying to @LindseyBoylan and @NYGovCuomo

I hope things go well for you @LindseyBoylan. There are women across the globe that have suffered trauma from powerful men. Sadly, it's an enduring reality for too many women. I don't know your story, but I'm acutely aware what trauma inflicted by powerful men can do. Stay strong

1 2 27

Sandra Rios @sabulosaa · Dec 8, 2020
Replying to @LindseyBoylan and @NYGovCuomo
?????? unbelievable #StrongerTogether

3

Roger @Roger2dot0 · Dec 8, 2020
Replying to @LindseyBoylan @es_indivisible and @NYGovCuomo
What are you talkin about?

1

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Lindsey Boylan @LindseyBoylan
Mom. Progressive M
4 a Livable City. Fmi
& Urban Planner. C
Manhattan Borough

Andrew Cuomo @NYGovCuomo
Father, fisherman, n
enthusiast, 56th Go

What's happening

Music · LIVE

It's Travis Scott's birthday

Trending with Travis Scott, Astro

Trending in United States

BOYFRIEND REVEAL

4,131 Tweets

Trending in United States

Josh Duggar

Former reality television star
arrested by federal agents in
Thursday, TMZ reports

Trending with 19 Kids and Count

COVID-19 · LIVE

COVID-19: News and updat
New York

The New York Times · Ye:
'Disaster Girl' is 21 now an
made \$500,000 off the me

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Lindsey Boylan @LindseyBoylan

My first experience of workplace sexual harassment was when my mom got her first real office job after graduating from college when I was in high school.

She was so excited to be taken "seriously." Her bossed isolated her and kissed her. She never had that type of job again.

8:49 AM · Dec 13, 2020 · Twitter for iPhone

1,085 Retweets 375 Quote Tweets 7,614 Likes



Lindsey Boylan @LindseyBoylan · Dec 13, 2020
Replying to @LindseyBoylan

It was then how I learned how hard it is for women. How hard this world can be for us when we are trying to be taken seriously and help our community. How easily jerks can destroy the lives of women.

58

327

3.7K



Lindsey Boylan @LindseyBoylan · Dec 13, 2020

And I promised myself I would never let those kind of guys win. I would work hard my whole life to put myself in positions of power to change things. To end the violence & corruption. Give voice to the voiceless.

I am not stopping. I refuse. I will never give up.

110

378

3.8K



Lindsey Boylan @LindseyBoylan · Dec 13, 2020

Yes, @NYGovCuomo sexually harassed me for years. Many saw it, and watched.

I could never anticipate what to expect: would I be grilled on my work (which was very good) or harassed about my looks. Or would it be both in the same conversation? This was the way for years.

2.5K

13.8K

27.6K



Lindsey Boylan @LindseyBoylan · Dec 13, 2020

Not knowing what to expect what's the most upsetting part aside from knowing that no one would do a damn thing even when they saw it.

No one.

And I *know* I am not the only woman.

203

1K

7.5K



Lindsey Boylan @LindseyBoylan · Dec 13, 2020

I'm angry to be put in this situation at all. That because I am a woman, I can work hard my whole life to better myself and help others and yet still fall victim as countless women over generations have. Mostly silently.

I hate that some men, like @NYGovCuomo abuse their power.

714

2K

11.1K



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Lindsey Boylan @LindseyBoylan
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4 a Livable City. Fm
& Urban Planner. C
Manhattan Borough

What's happening

World news · Yesterday

**Chinese government says t
first human case of H10N3
flu is unlikely to spread**

Trending in United States

Concorde
1,700 Tweets

Music · Trending

Olamide
24.2K Tweets

COVID-19 · LIVE

**New York: COVID-19: New
updates for New York**

BuzzFeed News · Last nig
**Tulsa Raised Millions of Do
To Memorialize The 1921
Massacre. Not Much Went
The Black Community.**

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Lindsey Boylan @LindseyBoylan

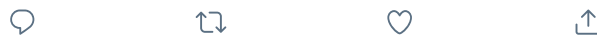
To be clear: I have no interest in talking to journalists.

I am about validating the experience of countless women and making sure abuse stops.

My worst fear is that this continues. And as @FKAtwigs said yesterday, my second worst fear is having to talk about and relive this.

10:00 AM · Dec 13, 2020 · Twitter for iPhone

111 Retweets 63 Quote Tweets 1,396 Likes



Chris Bold @fingertrick · Dec 13, 2020

Replying to @LindseyBoylan and @FKAtwigs

Sometimes you need to do you. I hope you feel and others are helped by you sharing with your platform.

1 Retweet 2 Likes



Erick From Twitter (Sifting through reality) @Er... · Dec 13, 2020

Replying to @LindseyBoylan and @FKAtwigs

Valid point.

Either way, journalists will want to hesitate discussing certain stories like these even when the truth is in front of their face.

That's how others go on to relive certain experiences in the dark.

2 Retweets 5 Likes

Show replies



Marissa Vonáye @marissavonaye_ · Dec 13, 2020

Replying to @LindseyBoylan and @FKAtwigs

I believe you of course, but won't it be hard to get around talking about it since you're running for office? Especially since it's a serious allegation against one of the most well-known political figures in the country?

Retweet Like Share



Victims Rights NY PAC @victimsrightsNY · Dec 13, 2020

Replying to @LindseyBoylan and @FKAtwigs

Are there other reports of this? 💔

1 Retweet 4 Likes



Dmkorpiable @korpiable · Dec 13, 2020

Me thinks she has some explaining to do.



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Lindsey Boylan @LindseyBoylan

Mom. Progressive M Fighting 4 a Livable Govt Official & Urb Candidate 4 Manha (She/Her)



FKA twigs @FKAtwigs

What's happening

Gaming · LIVE

Summer Game Fest 2021

Trending with Elden Ring, #SummerGameFest

Video games · Trending

Call of Duty

27.6K Tweets

Video games · Trending

IT'S REAL

96.5K Tweets

COVID-19 · LIVE

New York: COVID-19: New updates for New York

The New York Ti... · 2 h

Starbucks is running low on ingredients

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Date: Sunday, December 13 2020 12:03 PM
Subject: [Chat #3683]
From: Rich Azzopardi <+ [REDACTED]>
To: Rich Bamberger [REDACTED]; [REDACTED] [Dani Lever]; [REDACTED] [Josh Vlasto]; + [REDACTED]
[Steve Cohen];
Attachments: IMG_6898.jpeg; IMG_6903.jpeg; IMG_6902.jpeg; IMG_6899.jpeg; IMG_6901.jpeg; IMG_6900.jpeg;
IMG_6897.jpeg

----METADATA INFORMATION----

Device Owner:

[REDACTED] Bamberger, Rich

ICCID:

[REDACTED]

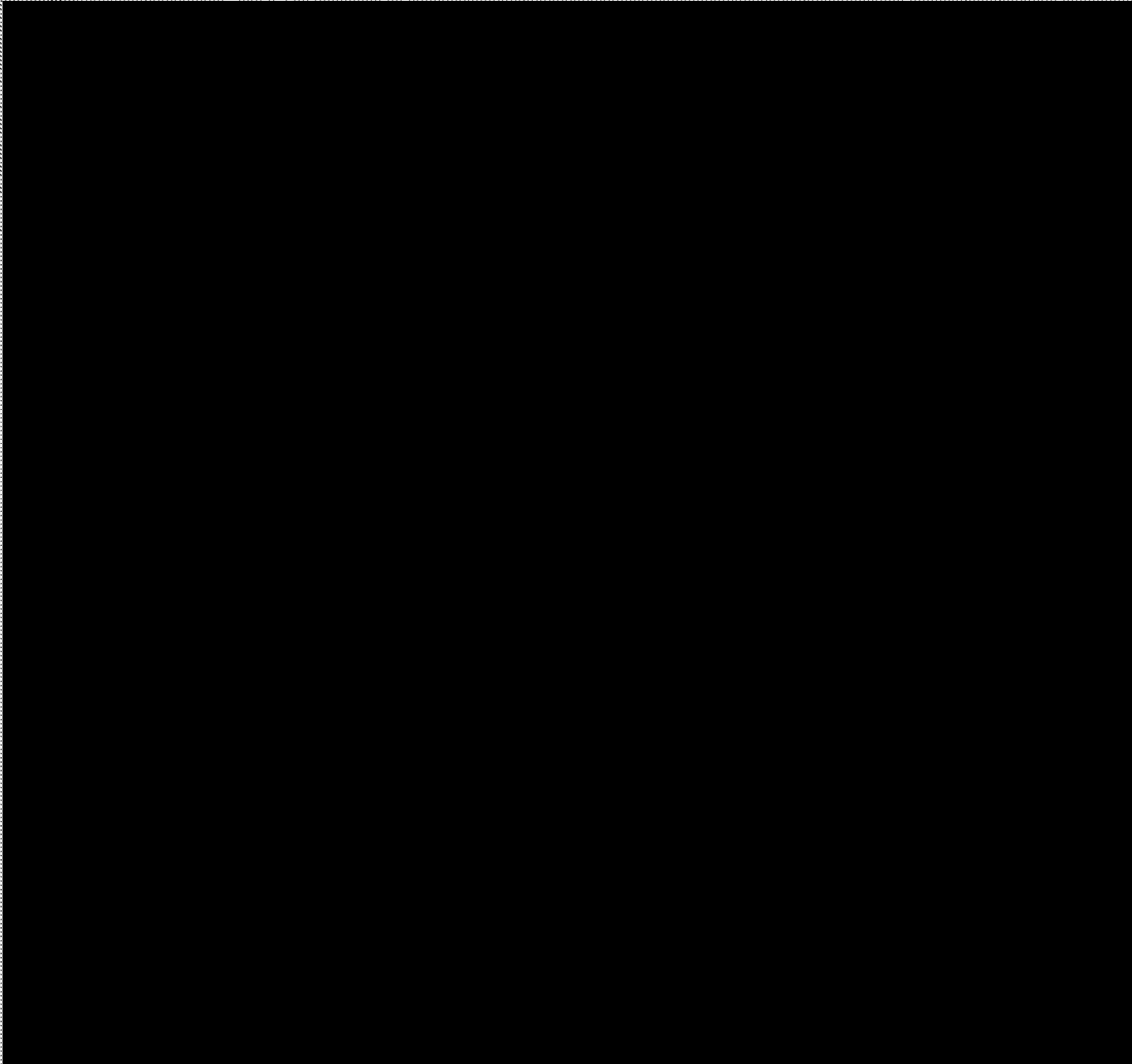


[REDACTED] Further, she has notified practically all state employees and many external stakeholders of her voluntary resignation, which was accepted. We will need to think about whether that issue can be effectively managed. I advised her I would get back to her with a formal response to her request.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Alphonso David
Sent: Sunday, September 30, 2018 12:29 PM
To: Julia Kupiec; Carnille Varlack
Subject: Lindsey Boyland Follow-up

Privileged and confidential
Attorney client communication
Attorney work product



Draft, privileged and confidential - Attorney Client Privileged Communication
Intra-Agency Communication
Memo to File

MEMORANDUM TO FILE

To: Alphonso David, Counsel to the Governor
From: Julia Pinover Kupiec, Assistant Counsel and Chamber Ethics Officer
Date: September 26, 2018
Subject: Employment Counseling for Lindsay Boylan

I. Purpose

[REDACTED]

[REDACTED] During the course of this counseling session, Ms. Boylan tendered her resignation voluntarily.

[REDACTED]

Draft, privileged and confidential - Attorney Client Privileged Communication
Intra-Agency Communication
Memo to File

3. Ms. Boylan's Resignation

During the meeting Mr. David was clear that she was not being asked to resign, fired, or pushed out in any way. In no uncertain terms he said that she was simply being counseled in response to the complaints that have been made about her from multiple sources.

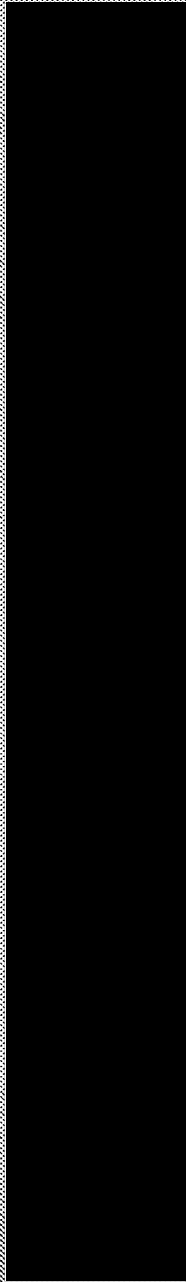
Towards the close of this meeting Ms. Boylan voluntarily tendered her resignation, indicated that she would be leaving the office for the day and consulting with her own counsel regarding her next steps in Executive Chamber. She was clear that she intended to resign but she wished to think through the timing of her departure. Ms. Boylan expressed that she did not feel she could be effective in the Executive Chamber and as a result wished to move on. She expressed that her main priority was to leave her team -- consisting of the two deputies she had hired -- to be left in good stead in the Executive Chamber and suggested that they be elevated in position and rank here. Mr. David asked that Ms. Boylan advise him when she wished her resignation to be effective and offered the new year as a possibility.

Within four hours of the meeting, Ms. Boylan sent an email to staff within and outside of the Executive Chamber indicating that she had resigned and that her resignation was effective immediately.

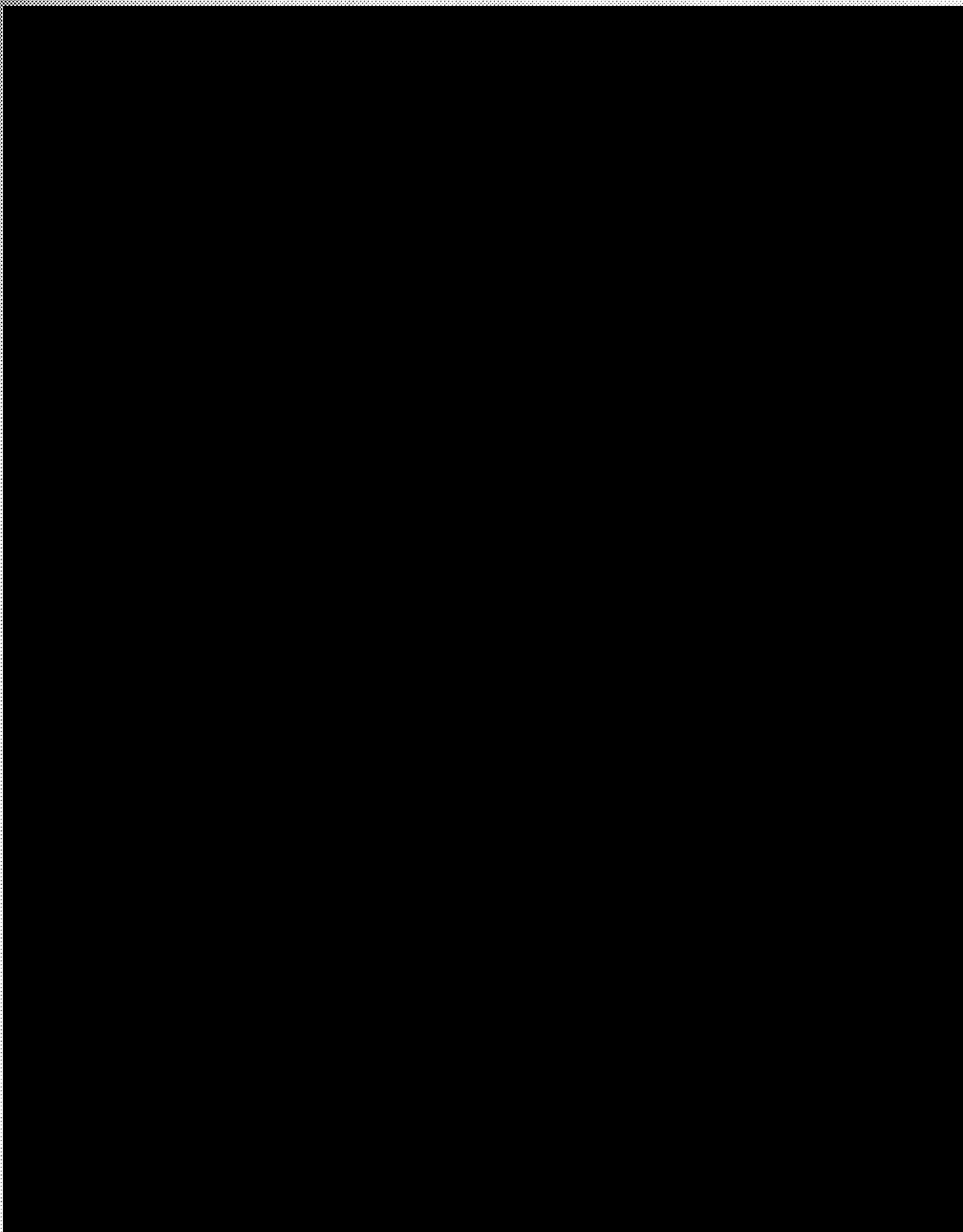
I wrote this memorandum on September 26, 2018 based on contemporaneous notes taken during my personal attendance at the above described meeting on September 26, 2018.

/s/

Julia Pinover Kupiec
Executive Chamber Ethics Officer



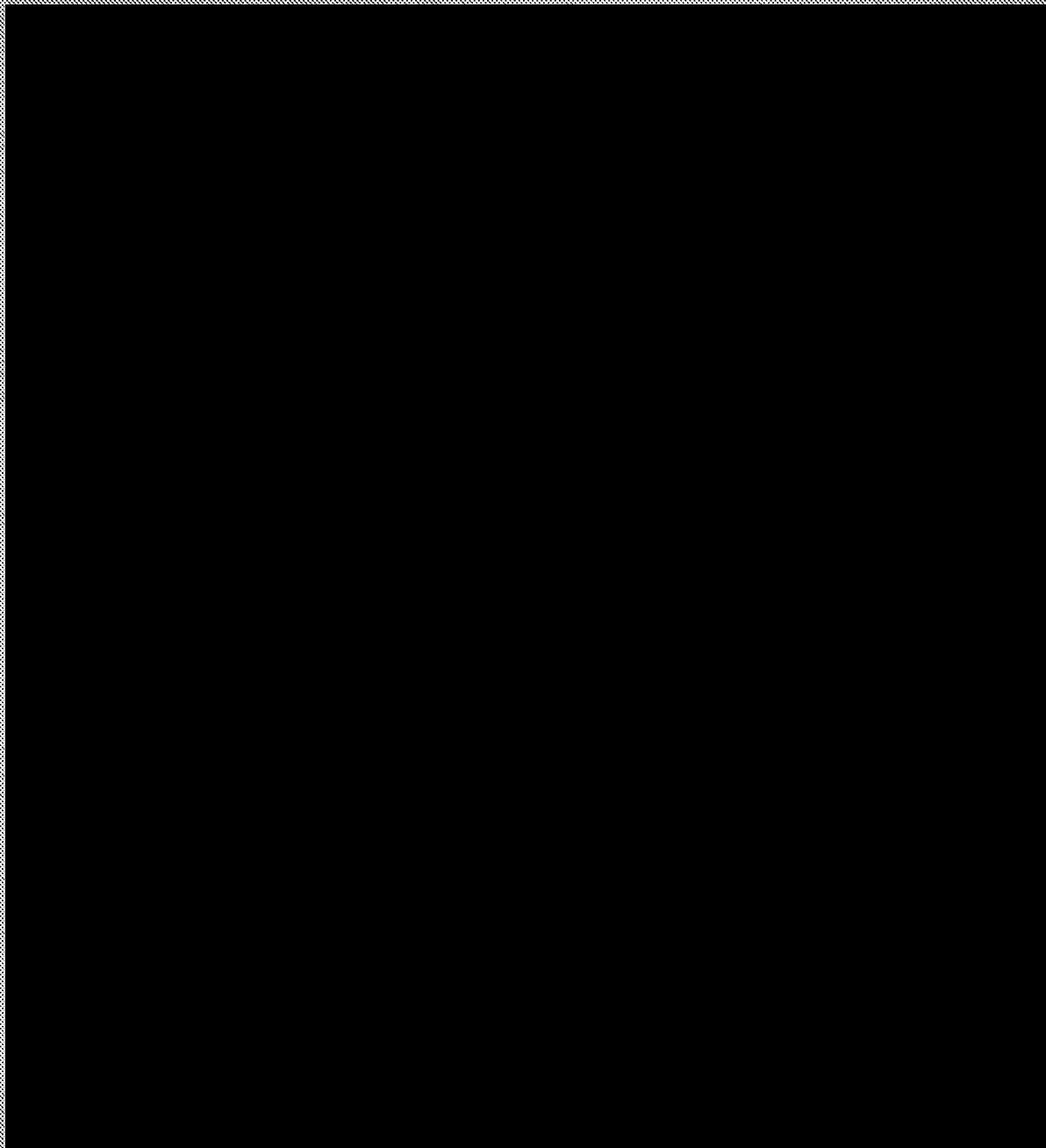
Draft, privileged and confidential - Attorney Client Privileged Communication
Intra-Agency Communication
Memo to File



Memorandum

To: **Alphonso David, Counsel to the Governor**
From: **Camille Joseph Varlack, Deputy Director of State Operations,
Chief Risk Officer and Special Counsel**
Re: **Confidential Personnel Matter**
Date: **September 20, 2018**

On September 20, 2018, I spoke with [REDACTED] and [REDACTED], [REDACTED] of Empire State Development (ESD), respectively. Below please find a summary of my conversation.



Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
chat80812532965272 2925	292	[REDACTED] Dani Lever	[REDACTED] Rich Azzopardi Melissa Derosa @gmail.com Dani Lever (owner)	Pull what Biden said when he was accused during campaign	12/13/2020	12/13/2020 10:05:08 AM(UTC-5)
chat80812532965272 2925	293	[REDACTED] Dani Lever	[REDACTED] Rich Azzopardi Melissa Derosa @gmail.com Dani Lever (owner)	This absolutely did not happen.	12/13/2020	12/13/2020 10:09:18 AM(UTC-5)
chat80812532965272 2925	294	[REDACTED] Dani Lever	[REDACTED] Rich Azzopardi Melissa Derosa @gmail.com Dani Lever (owner)	"He firmly believes that women have a right to be heard — and heard respectfully," deputy campaign manager Kate Bedingfield said. "Such claims should also be diligently reviewed by an independent press. What is clear about this claim: it is untrue."	12/13/2020	12/13/2020 10:09:21 AM(UTC-5)
chat80812532965272 2925	295	[REDACTED] Dani Lever	[REDACTED] Rich Azzopardi Melissa Derosa @gmail.com Dani Lever (owner)	I think the disgruntled former employee needs to come from a source or other cuomo employee: truth is she stormed out over allegations of her own misconduct to female employees. Begged to come back.	12/13/2020	12/13/2020 10:15:17 AM(UTC-5)
chat80812532965272 2925	296	[REDACTED] Dani Lever	[REDACTED] Rich Azzopardi Melissa Derosa @gmail.com Dani Lever (owner)	I think we can victim shame on the record	12/13/2020	12/13/2020 10:15:31 AM(UTC-5)
chat80812532965272 2925	297	[REDACTED] Dani Lever	[REDACTED] Rich Azzopardi Melissa Derosa @gmail.com Dani Lever (owner)	This was part of Biden's response by the way. Biden camp said "this absolutely did not happen" then gave statement	12/13/2020	12/13/2020 10:16:27 AM(UTC-5)
chat45376260034605 6922	1	[REDACTED] Rich Azzopardi	[REDACTED] Dani Lever (owner) Josh Vlasto Rich Bamberger Steve Cohen @gmail.com Dani Lever (owner)		12/13/2020	12/13/2020 12:03:48 PM(UTC-5)
chat45376260034605 6922	2	[REDACTED] Rich Azzopardi	[REDACTED] Dani Lever (owner) Josh Vlasto Rich Bamberger Steve Cohen @gmail.com Dani Lever (owner)	Confirm receipt and that they're on the right order plz	12/13/2020	12/13/2020 12:04:21 PM(UTC-5)
chat45376260034605 6922	3	[REDACTED] Josh Vlasto	[REDACTED] Dani Lever (owner) Rich Bamberger Steve Cohen Rich Azzopardi @gmail.com Dani Lever (owner)	Reading now	12/13/2020	12/13/2020 12:05:06 PM(UTC-5)
chat45376260034605 6922	4	[REDACTED] Dani Lever	[REDACTED] Josh Vlasto Rich Bamberger Steve Cohen Rich Azzopardi @gmail.com Dani Lever (owner)	Do we have additional details of complaints made against her	12/13/2020	12/13/2020 12:06:49 PM(UTC-5)
chat45376260034605 6922	5	[REDACTED] Dani Lever	[REDACTED] Josh Vlasto Rich Bamberger Steve Cohen Rich Azzopardi @gmail.com Dani Lever (owner)	This just mentions them but doesn't explain what they were	12/13/2020	12/13/2020 12:07:03 PM(UTC-5)
chat45376260034605 6922	6	[REDACTED] Rich Bamberger	[REDACTED] Dani Lever (owner) Josh Vlasto Steve Cohen Rich Azzopardi @gmail.com Dani Lever (owner)	Dani Are you calling Dana with these?	12/13/2020	12/13/2020 12:07:11 PM(UTC-5)
chat45376260034605 6922	7	[REDACTED] Rich Azzopardi	[REDACTED] Dani Lever (owner) Josh Vlasto Rich Bamberger Steve Cohen @gmail.com Dani Lever (owner)		12/13/2020	12/13/2020 12:08:18 PM(UTC-5)
chat45376260034605 6922	8	[REDACTED] Dani Lever	[REDACTED] Josh Vlasto Rich Bamberger Steve Cohen Rich Azzopardi @gmail.com Dani Lever (owner)	Ignore my text didn't see the messages above	12/13/2020	12/13/2020 12:08:43 PM(UTC-5)
chat45376260034605 6922	9	[REDACTED] Josh Vlasto	[REDACTED] Dani Lever (owner) Rich Bamberger Steve Cohen Rich Azzopardi @gmail.com Dani Lever (owner)	Do we have exhibit a?	12/13/2020	12/13/2020 12:09:31 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
chat453762600346056922	10	+ [REDACTED] Azzopardi Rich	+ [REDACTED] Dani Lever (owner) + [REDACTED] Josh Vlasto + [REDACTED] Rich Bamberger + [REDACTED] Steve Cohen + [REDACTED] @gmail.com Dani Lever (owner)	I do but it's emails that are frankly hard to follow	12/13/2020	12/13/2020 12:10:21 PM(UTC-5)
chat453762600346056922	11	+ [REDACTED] Vlasto Josh	+ [REDACTED] Dani Lever (owner) + [REDACTED] Rich Bamberger + [REDACTED] Steve Cohen + [REDACTED] Rich Azzopardi + [REDACTED] @gmail.com Dani Lever (owner)	Ok	12/13/2020	12/13/2020 12:10:44 PM(UTC-5)
chat897556882380364797	28	+ [REDACTED] Lever Dani	+ [REDACTED] Josh Vlasto + [REDACTED] Rich Bamberger + [REDACTED] Melissa Derosa + [REDACTED] Rich Azzopardi + [REDACTED] @gmail.com Dani Lever (owner)	Is it necessary to even invoke the Gov. I would just do there is simply no truth to these claims.	12/13/2020	12/13/2020 12:13:19 PM(UTC-5)
chat453762600346056922	12	+ [REDACTED] Steve Cohen	+ [REDACTED] Dani Lever (owner) + [REDACTED] Josh Vlasto + [REDACTED] Rich Bamberger + [REDACTED] Rich Azzopardi + [REDACTED] @gmail.com Dani Lever (owner)	Why [REDACTED]	12/13/2020	12/13/2020 12:13:35 PM(UTC-5)
chat897556882380364797	29	+ [REDACTED] Vlasto Josh	+ [REDACTED] Dani Lever (owner) + [REDACTED] Rich Bamberger + [REDACTED] Melissa Derosa + [REDACTED] Rich Azzopardi + [REDACTED] @gmail.com Dani Lever (owner)	Agree with Dani.	12/13/2020	12/13/2020 12:15:04 PM(UTC-5)
chat453762600346056922	13	+ [REDACTED] Azzopardi Rich	+ [REDACTED] Dani Lever (owner) + [REDACTED] Josh Vlasto + [REDACTED] Rich Bamberger + [REDACTED] Steve Cohen + [REDACTED] @gmail.com Dani Lever (owner)	Different [REDACTED] than I think you're thinking of Steve. She was esd press Secretary. Lindsey treated her badly	12/13/2020	12/13/2020 12:16:52 PM(UTC-5)
chat453762600346056922	14	+ [REDACTED] Steve Cohen	+ [REDACTED] Dani Lever (owner) + [REDACTED] Josh Vlasto + [REDACTED] Rich Bamberger + [REDACTED] Rich Azzopardi + [REDACTED] @gmail.com Dani Lever (owner)	Ok. Good.	12/13/2020	12/13/2020 12:17:00 PM(UTC-5)
chat897556882380364797	32	+ [REDACTED] Lever Dani	+ [REDACTED] Josh Vlasto + [REDACTED] Rich Bamberger + [REDACTED] Melissa Derosa + [REDACTED] Rich Azzopardi + [REDACTED] @gmail.com Dani Lever (owner)	Yes	12/13/2020	12/13/2020 12:21:29 PM(UTC-5)
chat897556882380364797	33	+ [REDACTED] Lever Dani	+ [REDACTED] Josh Vlasto + [REDACTED] Rich Bamberger + [REDACTED] Melissa Derosa + [REDACTED] Rich Azzopardi + [REDACTED] @gmail.com Dani Lever (owner)	And Biden camp never mentioned Biden in the denial part only the part about women. It elevates it. This will be a cuomo spox said "there's simply no truth to these claims"	12/13/2020	12/13/2020 12:22:08 PM(UTC-5)
+ [REDACTED]	190	+ [REDACTED] Dana Rubinstein POLITICO	+ [REDACTED] Dani Lever (owner) + [REDACTED] @gmail.com Dani Lever (owner)	Do you know if Lindsey [REDACTED] at the time of this tweet?	12/13/2020	12/13/2020 2:25:40 PM(UTC-5)
+ [REDACTED]	191	+ [REDACTED] Dana Rubinstein POLITICO	+ [REDACTED] Dani Lever (owner) + [REDACTED] @gmail.com Dani Lever (owner)	https://twitter.com/lindseyboylan/status/1131577104888414208?lang=en	12/13/2020	12/13/2020 2:25:42 PM(UTC-5)
+ [REDACTED]	192	+ [REDACTED] Dana Rubinstein POLITICO	+ [REDACTED] Dani Lever (owner) + [REDACTED] @gmail.com Dani Lever (owner)	nvm	12/13/2020	12/13/2020 2:27:10 PM(UTC-5)
+ [REDACTED]	10403	+ [REDACTED]	+ [REDACTED] Dani Lever (owner) + [REDACTED] @gmail.com Dani Lever (owner)	https://nypost.com/2020/12/13/lindsey-boylan-alleges-cuomo-sexually-harassed-her-about-looks/?utm_campaign=iphone_nyp&utm_source=message_app	12/13/2020	12/13/2020 2:57:56 PM(UTC-5)
+ [REDACTED]	10404	+ [REDACTED]	+ [REDACTED] Dani Lever (owner) + [REDACTED] @gmail.com Dani Lever (owner)	Uh oh	12/13/2020	12/13/2020 2:57:56 PM(UTC-5)
+ [REDACTED]	1749	+ [REDACTED]	+ [REDACTED] Dani Lever (owner) + [REDACTED] @gmail.com Dani Lever (owner)	What do you think of Lindsay Boylan's accusations?	12/13/2020	12/13/2020 3:01:31 PM(UTC-5)
+ [REDACTED]	193	+ [REDACTED] Lever Dani	+ [REDACTED] Dana Rubinstein POLITICO + [REDACTED] @gmail.com Dani Lever (owner)	From after she left	12/13/2020	12/13/2020 3:19:09 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
chat897556882380364797	54	+ [REDACTED] Dani Lever	+ [REDACTED] Josh Vlasto Rich Bamberger Melissa Derosa Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	Sent to Dana	12/13/2020	12/13/2020 3:19:17 PM(UTC-5)
+ [REDACTED]	194	+ [REDACTED] Dana Rubinstein POLITICO	+ [REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Do you have a link? Would like to embed	12/13/2020	12/13/2020 3:19:26 PM(UTC-5)
+ [REDACTED]	195	+ [REDACTED] Dani Lever	+ [REDACTED] Dana Rubinstein POLITICO [REDACTED]@gmail.com Dani Lever (owner)	Will try to find	12/13/2020	12/13/2020 3:21:40 PM(UTC-5)
+ [REDACTED]	1750	+ [REDACTED] Dani Lever	+ [REDACTED] [REDACTED] [REDACTED]@gmail.com Dani Lever (owner)	Not true been helping Gov today	12/13/2020	12/13/2020 3:22:11 PM(UTC-5)
+ [REDACTED]	196	+ [REDACTED] Dani Lever	+ [REDACTED] Dana Rubinstein POLITICO [REDACTED]@gmail.com Dani Lever (owner)	Can you please try to add some of her tweets endorsing hi	12/13/2020	12/13/2020 4:21:01 PM(UTC-5)
+ [REDACTED]	197	+ [REDACTED] Dani Lever	+ [REDACTED] Dana Rubinstein POLITICO [REDACTED]@gmail.com Dani Lever (owner)	You bring up Only the shitty lens	12/13/2020	12/13/2020 4:21:19 PM(UTC-5)
+ [REDACTED]	198	+ [REDACTED] Dani Lever	+ [REDACTED] Dana Rubinstein POLITICO [REDACTED]@gmail.com Dani Lever (owner)	Ones	12/13/2020	12/13/2020 4:21:21 PM(UTC-5)
+ [REDACTED]	199	+ [REDACTED] Dani Lever	+ [REDACTED] Dana Rubinstein POLITICO [REDACTED]@gmail.com Dani Lever (owner)	I think it you good the text of tweet it will come up	12/13/2020	12/13/2020 4:21:33 PM(UTC-5)
+ [REDACTED]	200	+ [REDACTED] Dani Lever	+ [REDACTED] Dana Rubinstein POLITICO [REDACTED]@gmail.com Dani Lever (owner)	Not really fair to just do the bad	12/13/2020	12/13/2020 4:21:42 PM(UTC-5)
+ [REDACTED]	201	+ [REDACTED] Dana Rubinstein POLITICO	+ [REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	"Ms. Boylan declined multiple requests for further comment. She has thus far discussed no specific allegations, nor did she provide any immediate corroboration."	12/13/2020	12/13/2020 4:22:07 PM(UTC-5)
+ [REDACTED]	202	+ [REDACTED] Dani Lever	+ [REDACTED] Dana Rubinstein POLITICO [REDACTED]@gmail.com Dani Lever (owner)	No I mean you bring up past tweets like the Malatras thing	12/13/2020	12/13/2020 4:23:52 PM(UTC-5)
+ [REDACTED]	203	+ [REDACTED] Dana Rubinstein POLITICO	+ [REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Ah. I can bounce off editor	12/13/2020	12/13/2020 4:30:48 PM(UTC-5)
+ [REDACTED]	204	+ [REDACTED] Dani Lever	+ [REDACTED] Dana Rubinstein POLITICO [REDACTED]@gmail.com Dani Lever (owner)	Thanks!	12/13/2020	12/13/2020 4:31:05 PM(UTC-5)
+ [REDACTED]	207	+ [REDACTED] Dani Lever	+ [REDACTED] Dana Rubinstein POLITICO [REDACTED]@gmail.com Dani Lever (owner)	Boylan stated on Twitter that she tried three times to quit Cuomo's office "before it stuck." She also suggested she'd declined to sign some type of non-disclosure agreement when leaving the job, stating that she did not "sign whatever they told me to sign when I left."	12/13/2020	12/13/2020 4:32:10 PM(UTC-5)
+ [REDACTED]	208	+ [REDACTED] Dani Lever	+ [REDACTED] Dana Rubinstein POLITICO [REDACTED]@gmail.com Dani Lever (owner)	The docs prove that just isn't true	12/13/2020	12/13/2020 4:32:16 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
+ [REDACTED]	210	+ [REDACTED] Dani Lever	+ [REDACTED] Dana Rubinstein POLITICO @gmail.com Dani Lever (owner)	From AP: Boylan's sexual harassment allegation against Cuomo comes after The Associated Press and others reported that the 63-year-old governor is under consideration for the job of attorney general in the administration of President-elect Joe Biden. Earlier this month, Boylan had also tweeted about her work experience in the Cuomo administration, listing it as the worst job she ever had. "I tried to quit three times before it stuck. I've worked hard my whole life. Hustled — fake it till you make it style," she wrote. "That environment is beyond toxic. I'm still unwrapping it years later in therapy!" Personnel memos written in 2018, obtained by The Associated Press, indicate that Boylan resigned after she was confronted about complaints about her own office behavior. Several women complained to Empire State Development's human resources department that "Ms. Boyland had behaved in a way towards them that was harassing, belittling, and had yelled and been generally unprofessional," wrote the administration's ethics officer, Julia Pinover Kupiec in one memo.	12/13/2020	12/13/2020 4:34:22 PM(UTC-5)
+ [REDACTED]	211	+ [REDACTED] Dani Lever	+ [REDACTED] Dana Rubinstein POLITICO @gmail.com Dani Lever (owner)	I know you don't care anymore and we are moving on	12/13/2020	12/13/2020 4:34:32 PM(UTC-5)
+ [REDACTED]	212	+ [REDACTED] Dani Lever	+ [REDACTED] Dana Rubinstein POLITICO @gmail.com Dani Lever (owner)	But just so you know	12/13/2020	12/13/2020 4:34:35 PM(UTC-5)
+ [REDACTED]	213	+ [REDACTED] Dana Rubinstein POLITICO	+ [REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Thanks, dani.	12/13/2020	12/13/2020 4:37:53 PM(UTC-5)
+ [REDACTED]	10405	+ [REDACTED]	+ [REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	What's the deal with Boylan?	12/13/2020	12/13/2020 4:39:52 PM(UTC-5)
+ [REDACTED]	10406	+ [REDACTED] Dani Lever	+ [REDACTED] @gmail.com Dani Lever (owner)	It isn't true I promise	12/13/2020	12/13/2020 4:55:01 PM(UTC-5)
+ [REDACTED]	214	+ [REDACTED] Dani Lever	+ [REDACTED] Dana Rubinstein POLITICO @gmail.com Dani Lever (owner)	Any luck on the tweets being included	12/13/2020	12/13/2020 6:04:01 PM(UTC-5)
+ [REDACTED]	215	+ [REDACTED] Dani Lever	+ [REDACTED] Dana Rubinstein POLITICO @gmail.com Dani Lever (owner)	It just doesn't seem fair to not include the one 3 weeks before she left praising him and his work for women of this was going on for years	12/13/2020	12/13/2020 6:04:53 PM(UTC-5)
+ [REDACTED]	216	+ [REDACTED] Dani Lever	+ [REDACTED] Dana Rubinstein POLITICO @gmail.com Dani Lever (owner)	And then the one when she left	12/13/2020	12/13/2020 6:04:57 PM(UTC-5)

Memorandum

To: Alphonso David, Counsel to the Governor

From: Camille Joseph Varlack, Deputy Director of State Operations,
Chief Risk Officer and Special Counsel

Re: Confidential Personnel Matter

Date: September 20, 2018

On September 20, 2018, I spoke with [REDACTED] and [REDACTED]
[REDACTED] of Empire State Development (ESD),
respectively. Below please find a summary of my conversation.

[REDACTED]

Full Name:

[REDACTED]

Name:

[REDACTED]

Company:

Stringer

Email:

Home : Internet : [REDACTED]@gmail.com

Telephone:

Home : Voice : [REDACTED]

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
chat11407984294492 5786	937	[REDACTED] Dani Lever	[REDACTED]	Guys I spent the weekend defending the governor against sexual harassment allegations	12/14/2020	12/14/2020 4:17:05 PM(UTC-5)
chat11407984294492 5786	938	[REDACTED]	[REDACTED] Dani Lever (owner)	Ugh	12/14/2020	12/14/2020 4:21:21 PM(UTC-5)
chat11407984294492 5786	939	[REDACTED]	[REDACTED] Dani Lever (owner)	As if you didn't have enough to deal with last week	12/14/2020	12/14/2020 4:21:26 PM(UTC-5)
chat11407984294492 5786	940	[REDACTED]	[REDACTED] Dani Lever (owner)	Also it's not a secret he makes comments about people's looks	12/14/2020	12/14/2020 4:21:52 PM(UTC-5)
chat11407984294492 5786	941	[REDACTED]	[REDACTED] Dani Lever (owner)	I wouldn't call it harassment	12/14/2020	12/14/2020 4:21:59 PM(UTC-5)
chat11407984294492 5786	942	[REDACTED]	[REDACTED] Dani Lever (owner)	But I'm not her obviously	12/14/2020	12/14/2020 4:22:23 PM(UTC-5)
chat11407984294492 5786	943	[REDACTED] Dani Lever	[REDACTED]	It wasn't harassment it's insane	12/14/2020	12/14/2020 4:22:52 PM(UTC-5)
chat11407984294492 5786	944	[REDACTED]	[REDACTED] Dani Lever (owner)	Defending him in the press?	12/14/2020	12/14/2020 4:23:22 PM(UTC-5)
chat11407984294492 5786	945	[REDACTED]	[REDACTED] Dani Lever (owner)	/ to the press?	12/14/2020	12/14/2020 4:23:26 PM(UTC-5)
chat11407984294492 5786	946	[REDACTED] Dani Lever	[REDACTED]	Also she harassed so many women	12/14/2020	12/14/2020 4:23:54 PM(UTC-5)
chat11407984294492 5786	947	[REDACTED] Dani Lever	[REDACTED]	She once told me that I could only work for gov and have a baby at the same time if I wasn't poor so [REDACTED] the architect would be tough. Like I was too poor to have a baby and stay working for gov.	12/14/2020	12/14/2020 4:24:50 PM(UTC-5)
chat11407984294492 5786	973	[REDACTED] Dani Lever	[REDACTED]	Yeah I was horrified	12/14/2020	12/14/2020 4:39:12 PM(UTC-5)
chat11407984294492 5786	974	[REDACTED] Dani Lever	[REDACTED]	But she also treated women of color horribly so she did worse. Anyway it's weird to try to diminish claims of another woman but it really wasn't fair	12/14/2020	12/14/2020 4:40:04 PM(UTC-5)
chat11407984294492 5786	981	[REDACTED] Dani Lever	[REDACTED]	And tweeted that the Gov sexually harassed her and refused to provide reporters with any details or specifics	12/14/2020	12/14/2020 4:41:22 PM(UTC-5)
chat11407984294492 5786	982	[REDACTED] Dani Lever	[REDACTED]	So they like has to write but I think know it's not really true	12/14/2020	12/14/2020 4:41:35 PM(UTC-5)

From: "Melissa DeRosa" [REDACTED]@gmail.com>
Sent: Wed, 16 Dec 2020 11:21:43 -0500 (EST)
To: "Linda Lacewell" [REDACTED]@gmail.com>; "Judith Mogul" [REDACTED]@gmail.com>
Subject: Fwd:

We are former employees of Governor Cuomo's Office now working in other pursuits. We have served for a collective of over 20 years with the Governor. Dani Lever served as Director of Communications, Cathy Calhoun as State Director of Operations, and Alphonso David as Counsel. We have individually worked with Ms. Boylan and have been in the company of Ms. Boylan and the Governor on many occasions. Mr. David, as Counsel, was intimately involved in handling the Human Resources complaints against Ms. Boylan and her departure.

We are first and foremost aggressive supporters of civil rights and women's empowerment. We have spent years working to advance and legislate the most aggressive state laws in the nation to protect women. For that reason, we cannot stand by when a woman makes illegitimate accusations of harassment, as it diminishes the rights and claims of all women who are legitimate victims.

Ms. Boylan served as an advisor to the Governor for nine months while she was an employee and located at Empire State Development Agency. In those nine months there were no less than six complaints against Ms. Boylan. Six women made official complaints against Ms. Boylan, African American and white women, peers and subordinates. The official complaints stated Ms. Boylan was "rude", "treats them like children" and made them feel like a "punching bag", "degrading", "insulting", "harassing" and "a bully" and inappropriately fired a subordinate. The complaints caused the Empire State Development Authority, which was the entity that employed Ms. Boylan, to send a legal memo from its CEO and its Counsel, a woman, to Mr. David as Counsel to the Governor due to the severity of the accusations and ethical violations.

In response to the memo, Alphonso David met with Ms. Boylan with a female ethics counsel present, raised the complaints and suggested counseling for Ms. Boylan, at which point Ms. Boylan became irate and said she would consider quitting. She later that day announced she was quitting. However, several days later Ms. Boylan contacted Mr. David and said she changed her mind and wanted to return to her position. Mr. David said that was not possible. Ms. Boylan then contacted the Governor's Office and said that she needed to talk to the Governor. The Governor was advised by Mr. David not to contact Ms. Boylan given the situation and did not.

We understand that Ms. Boylan may very well be upset about the complaints made against her, losing her position in the administration and having no contact with the Governor. That is to be expected, traumatic and sad.

However, as far as Ms. Boylan suggesting that the Governor made inappropriate comments about her looks, which she characterizes as sexual harassment is concerned, she abuses all legitimate victims. We know from direct experience, the nature of the Governor, and the interactions between the Governor and Ms. Boylan, as we were present for most of their interactions.

Ms. Boylan claims the Governor made comments "about her looks". Ironic given that Ms. Boylan referred to the Governor as "handsome", and told staff that she "loved" the Governor. As professional women, we observed her interaction with the Governor, as well as other male staff members, on many occasions, in public and private, and we believe Ms. Boylan's conduct was unprofessional and inappropriate intimate behavior: sitting on coworker's laps and kissing them in public in the presence of other coworkers. Even to the extent that she felt compelled to send multiple text messages to apologize to one male staff member, who was highly offended, the day following such behavior.

During the extensive ethics conversations with Counsel about Ms. Boylan's behavior and appropriateness and how she felt she was treated by other people, she never mentioned anything negative about the Governor's interaction. Indeed, Ms. Boylan never made any complaint about the Governor for two years, until now, two days after she filed to run for political office as Manhattan Borough President. In addition, she makes these accusations against the Governor with no backup whatsoever. Also coincidentally, her political campaign consultant is also a consultant to a political opponent of the Governor, Jumaane Williams, who has said he is considering running against the Governor. Ms. Boylan is supported by lawyers and financial backers of Donald Trump: an active opponent of the Governor. We understand from credible sources that female members on her campaign team were offended and actually quit when they heard she and her campaign planned to make such claims for purely political advantage.

The political retribution against the Governor by Ms. Boylan comes as no surprise and was directly forecasted by her. In March, during the height of the COVID crisis, the Governor issued an Executive Order truncating the petitioning period and reducing the number of signatures mandated to run for public office. The order effected every political race in the state. However, Ms. Boylan assumed it was a personal attack on her and believed the change was not helpful for her candidacy for Congress challenging Congressman Nadler. Immediately thereafter, Ms. Boylan texted Robert Mujica, State Budget Director, "Absolutely not helpful please relay that while we are ok, I see what the point is here and I will find ways to respond. Life is Long. And so is my memory. And so are my resources." She texted Dani Lever, Director of Communications, at the same

time. "Absolutely not helpful specific response to a tragedy but please relay that while we are ok, I see what the point is here and I will find ways to respond to the message. The future is coming after assholes." Ms. Boylan's political motivation against the Governor was clearly premediated and purposeful.

We are not naive. We understand politics, especially in the current environment, can be a nasty and dirty business. We know the Governor understands that one must endure the slings and arrows to be in the public arena. But it demeans all women when allegations of harassment are made for political or extortive purposes. We encourage all women to come forward with valid complaints of harassment but not to use our advances in achieving new laws for personal animus, political gain or purely notoriety. False claims question the veracity of credible claims.

The Governor always treated us and every woman with whom we saw him interact with respect. Indeed, Ms. Boylan was right when she tweeted three weeks before her departure, "I'm proud to work for a Governor who takes women seriously". And another tweet, 12 days before her departure, "So proud of my boss Andrew Cuomo and all of Team Cuomo". She was also right when she tweeted, after she left, "Governor Cuomo is the best choice for Governor".

It is sad that political opportunism takes precedence over true political aspirations for progressive public service and advances designed to protect women in the workplace can be abused for unethical purposes.



Dani Lever [REDACTED]@gmail.com>

(no subject)

1 message

Melissa DeRosa [REDACTED]@gmail.com>
To: Annabel Walsh [REDACTED]@gmail.com>, Dani Lever [REDACTED]@gmail.com>

Wed, Dec 16, 2020 at 4:59 PM

We are former senior staff members of Governor Andrew Cuomo's Office.

We are writing in response to the claims made on twitter by Lindsay Boylan. We do so reluctantly. Each of us is a longtime and active supporter of civil rights and women's engagement. We believe women must be heard and that allegations of workforce misconduct must be taken seriously. However, when an accusation is unfounded and seemingly launched to gain a political advantage, standing by silently is not an option. To do otherwise, risks delegitimizing the rights of survivors of workplace abuse.

And, while we are fully aware of the all too frequent phenomenon where those who are subject to abuse do not come forward and even deny the abuse they have endured, we think it is significant to note that Ms. Boylan only began raising complaints about her experience last year when she launched a Congressional campaign. And even then, she only complained that the Governor's Office was an abusive environment (an assertion we dispute), the claim of sexual harassment for inappropriate comments was never mentioned. Indeed, the accusation did not occur until two days after she launched a new campaign for Manhattan Borough President. We do not know Ms. Boylan's motivation but the timing is not lost on us.

The political retribution against the Governor by Ms. Boylan comes as no surprise and was directly forecasted by her. In March, during the height of the COVID crisis, the Governor issued an Executive Order truncating the petitioning period and reducing the number of signatures mandated to run for public office. The order effected every political race in the state. However, Ms. Boylan assumed it was a personal attack on her and believed the change was not helpful for her candidacy for Congress. Immediately thereafter, Ms. Boylan texted Robert Mujica, State Budget Director, "Absolutely not helpful please relay that while we are ok, I see what the point is here and I will find ways to respond. Life is Long. And so is my memory. And so are my resources." She texted Dani Lever, Director of Communications, at the same time. "Absolutely not helpful

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DLEVER-0001

EXHIBIT

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specific response to a tragedy but please relay that while we are ok, I see what the point is here and I will find ways to respond to the message. The future is coming after assholes.” Ms. Boylan’s political motivation against the Governor was clearly premediated and purposeful.

Also, her political campaign consultant is also a consultant to a political opponent of the Governor. Ms. Boylan is supported by lawyers and financial backers of Donald Trump: an active opponent of the Governor. We understand from credible sources that female members on Ms. Boylan’s campaign team were offended and actually quit when they heard she and her campaign planned to make such claims for purely political advantage.

We each know Ms. Boylan personally; we served with her when she was an advisor to the Governor both in the Governor’s Office and at Empire State Development Authority. It is likely that almost every interaction between the Governor and Ms. Boylan took place in either our presence or the presence of another Senior Staff member. Indeed, Ms. Boylan says as much herself. What we witnessed was a forceful and demanding Chief Executive requiring his staff do their best at all times. It was challenging work and at times it was hard both for men and women. In other words, it is what you would expect in a high-pressure environment where the accomplishments matter and failures have consequences. It isn’t for everyone. What we did not see was any kind of sexual harassment suggested by Ms. Boylan’s summary and unsubstantiated assertion.

Unfortunately, we are also aware that during Ms. Boylan’s relatively brief tenure, no less than six complaints were raised about her conduct. The complaints came from peers and subordinates, from men and women. We are not here to castigate Ms. Boylan. But it is relevant to assessing Ms. Boylan’s claim, to understand that she left State employment after being formally confronted by repeated official complaints that she “treats [subordinates] like children” and made them feel like a “punching bag”, was “degrading”, “insulting”, and “harassing”. As a consequence of inappropriately firing a subordinate, Ms. Boylan was formally counseled about her conduct by Mr. David. In response, Ms. Boylan resigned. Several days later Ms. Boylan contacted Mr. David and said she changed her mind and wanted to return to her position. Mr. David said that was not possible. Ms. Boylan attempted to contact the Governor, but Mr. David advised the Governor to not discuss the situation with Ms. Boylan as the complaints were outstanding.

Ms. Boylan suggests the Governor made comments about her looks. This is ironic because we know Ms. Boylan referred to the Governor as “handsome” and said she “loved” him to staff; which we do believe were inappropriate comments. As professional women, we also know her behavior to be inappropriately intimate with her coworkers in public, in the presence of other coworkers.

During her tenure, at the time of her departure and after her departure, no complaint – formal or informal – was ever raised about the Governor. In fact, Ms. Boylan praised the Governor and the staff for his work and accomplishments. Ms. Boylan tweeted six weeks before her departure, "I'm proud to work for a Governor who takes women seriously". And another tweet, 12 days before her departure, "So proud of my boss Andrew Cuomo and all of Team Cuomo". She also tweeted, after she left, “Governor Cuomo is the best choice for Governor”.

We are not naive. We understand politics, especially in the current environment, can be a nasty and dirty business. We know the Governor understands that one must endure the slings and arrows to be in the public arena. But it demeans all women when allegations of harassment are made for political or extortive purposes.


We encourage all women to come forward with valid complaints of harassment. But weaponizing a claim of sexual harassment for personal political gain or to achieve notoriety cannot be tolerated. False claims demean the veracity of credible claims.

Start Date December 16, 2020 10:00:13 PM UTC

End Date December 16, 2020 10:01:03 PM UTC

Chat Account t Melissa DeRosa <+ [REDACTED] (IMessage)>, Annabel Walsh <+ [REDACTED] (Sms)>, Dani Lever <+ [REDACTED] (Sms)>, Stephanie Benton <+ [REDACTED] (IMessage)>, Dani Lever <+ [REDACTED] (IMessage)>, Stephanie Benton <+ [REDACTED] (IMessage)>, Dani Lever <+ [REDACTED] (Sms)>, Melissa DeRosa <+ [REDACTED] (Sms)>, Annabel Walsh <+ [REDACTED] (Sms)>, Stephanie Benton <+ [REDACTED] (Sms)>

Melissa DeRosa <+ [REDACTED] (IMessage)>

	Just sent u guys current op ed	22:00:13
	[REDACTED] has agreed to do	22:00:23
	Alphonso said if we need him he will do	22:00:31
	[REDACTED] and [REDACTED] lookinh now	22:00:50
	I wouldn't ask you guys if we weren't fighting for our lives	22:01:03

AWALSH00000041

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	22074	[REDACTED] Annabel Walsh	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Need to talk to you about this letter	12/16/2020	12/16/2020 12:01:21 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	340	[REDACTED] Dani Lever	[REDACTED] Linda Lacewell [REDACTED]@gmail.com Dani Lever (owner)	I still don't know why we are talking to Gov lol	12/17/2020	12/17/2020 2:25:23 PM(UTC-5)
[REDACTED]	341	[REDACTED] Dani Lever	[REDACTED] Linda Lacewell [REDACTED]@gmail.com Dani Lever (owner)	But I'm here for the ride	12/17/2020	12/17/2020 2:25:34 PM(UTC-5)
[REDACTED]	342	[REDACTED] Linda Lacewell	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Trying to support mdr	12/17/2020	12/17/2020 2:25:53 PM(UTC-5)
[REDACTED]	343	[REDACTED] Linda Lacewell	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Keep letter in pocket and move forward w press items	12/17/2020	12/17/2020 2:26:33 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
chat523071839863863702	72	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	Is dean Chang or cliff levy coming for me. I've lost it on them multiple times	2/22/2021	2/22/2021 8:56:36 PM(UTC-5)
chat523071839863863702	73	[REDACTED] Peter Ajemien	[REDACTED] Dani Lever (owner) Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	When/why?	2/22/2021	2/22/2021 8:58:11 PM(UTC-5)
chat523071839863863702	74	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	From the Dawsey Vilensky original Jesse story from 2016	2/23/2021	2/23/2021 10:15:40 AM(UTC-5)
chat523071839863863702	75	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	Dani Lever, a spokeswoman for Mr. Cuomo, said: "From the governor on down, everyone in this administration works extremely hard. When someone makes false or misleading attacks, we aggressively defend and correct the record and make no apologies for doing so."	2/23/2021	2/23/2021 10:15:42 AM(UTC-5)
chat523071839863863702	76	[REDACTED] Peter Ajemien	[REDACTED] Dani Lever (owner) Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	I like that.	2/23/2021	2/23/2021 10:40:07 AM(UTC-5)

Start Date February 24, 2021 4:51:49 PM UTC

End Date February 24, 2021 11:42:51 PM UTC

Chat Annabel Walsh [REDACTED] (IMessage)>, Dani Lever [REDACTED]
Account (IMessage)>, Annabel Walsh <+[REDACTED] (Sms)>, Dani Lever
t <+[REDACTED]>, Annabel Walsh <+[REDACTED] (Mms)>, Dani Lever
<+[REDACTED] (Mms)>, Dani Lever <+[REDACTED] (Sms)>, Annabel Walsh
<+[REDACTED]

Annabel Walsh <+[REDACTED] (IMessage)>

 Oh god the medium story 16:51:49

I'm sorry 16:51:52

They obviously know right 16:54:39

Dani Lever [REDACTED] (IMessage)>

 Yes 17:00:19

Not good 17:00:22


Do you follow Charlotte 17:08:55

Annabel Walsh <+[REDACTED] (IMessage)>


 No 19:13:34

I mean the statement 21:04:27

Dani Lever <+[REDACTED] (IMessage)>

 How bad is it that I put my name to that 21:26:40

Annabel Walsh <+[REDACTED] (IMessage)>

 I mean it's fine it wasn't extremely offensive 21:50:30

It was just very fucking stupid 21:50:37

Who cares about the plane 21:50:41

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EXHIBIT

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Melissa called me whyyy

23:27:33

Dani Lever <+ [REDACTED] (iMessage)>



Did you answer

23:39:53

Annabel Walsh [REDACTED] (iMessage)>



No I'm still in the office I'll call her back

23:42:49

Why

23:42:51

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	170	[REDACTED] Bernadette Hogan	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Hi Dani - wondering if you saw this new blog post from Lindsey Boylan. She talks about how the governor suggested they play "strip poker" while on a flight in 2017, says a trooper and press aide sat with them. Was that aide you?	2/24/2021	2/24/2021 11:58:52 AM(UTC-5)
[REDACTED]	171	[REDACTED] Bernadette Hogan	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	https://medium.com/@lindseyboylan4NY/my-story-of-working-with-governor-cuomo-e664d4814b4e	2/24/2021	2/24/2021 11:59:17 AM(UTC-5)
[REDACTED]	1267	[REDACTED] Dani Lever	[REDACTED] Lis Smith [REDACTED]@gmail.com Dani Lever (owner)	Did you see the Lindsey Boylan post	2/24/2021	2/24/2021 12:01:36 PM(UTC-5)
[REDACTED]	357	[REDACTED]	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Wow	2/24/2021	2/24/2021 12:02:08 PM(UTC-5)
[REDACTED]	358	[REDACTED] Dani Lever	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	What now??	2/24/2021	2/24/2021 12:03:14 PM(UTC-5)
[REDACTED]	359	[REDACTED]	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	https://twitter.com/lindseyboylan/status/1364593495957262350?s=10	2/24/2021	2/24/2021 12:03:44 PM(UTC-5)
[REDACTED]	360	[REDACTED] Dani Lever	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	No I know I mean now what do we do	2/24/2021	2/24/2021 12:04:05 PM(UTC-5)
[REDACTED]	361	[REDACTED]	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	He needs to deny it. Calmly. Unequivocally. Not sure there is anything else to do.	2/24/2021	2/24/2021 12:05:44 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	6166	[REDACTED] Peter Ajemien	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	"This is an ongoing and transparent attempt by Lindsey Boylan to advance her political campaign with false accusations and lies about this administration. Her previous claims that she had tried to quit the administration were already proven false as she resigned after being counseled for abuse and harassment of three different female subordinates after which she unsuccessfully asked for her job back--beyond that, these are more politically motivated fabrications and we are not going to dignify them."	2/24/2021	2/24/2021 12:04:18 PM(UTC-5)
[REDACTED]	6167	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	Reading	2/24/2021	2/24/2021 12:06:08 PM(UTC-5)
[REDACTED]	6168	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	I think it just be a blanket Denison	2/24/2021	2/24/2021 12:07:15 PM(UTC-5)
[REDACTED]	6169	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	Denial	2/24/2021	2/24/2021 12:07:17 PM(UTC-5)
[REDACTED]	6170	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	And not get into all this other things	2/24/2021	2/24/2021 12:07:28 PM(UTC-5)
[REDACTED]	6171	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	And maybe the last line	2/24/2021	2/24/2021 12:07:33 PM(UTC-5)
[REDACTED]	6172	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	Actually not the last lone	2/24/2021	2/24/2021 12:07:41 PM(UTC-5)
[REDACTED]	6173	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	These aren't political attacks	2/24/2021	2/24/2021 12:07:49 PM(UTC-5)
[REDACTED]	6174	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	And I'm scared the women's groups are going to freak out with this	2/24/2021	2/24/2021 12:08:35 PM(UTC-5)
[REDACTED]	6175	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	Tell her to call Lis	2/24/2021	2/24/2021 12:08:39 PM(UTC-5)
[REDACTED]	6176	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	What did Charlotte say?	2/24/2021	2/24/2021 12:09:06 PM(UTC-5)
[REDACTED]	6177	[REDACTED] Peter Ajemien	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Yeah they are going to kill us and me	2/24/2021	2/24/2021 12:09:30 PM(UTC-5)
[REDACTED]	6178	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	Well the statement just doesn't woke	2/24/2021	2/24/2021 12:09:52 PM(UTC-5)
[REDACTED]	6179	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	What do Lis and josh say?	2/24/2021	2/24/2021 12:10:01 PM(UTC-5)
[REDACTED]	6180	[REDACTED] Peter Ajemien	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	https://twitter.com/_char_bennett_/status/1364613777023451136?s=10	2/24/2021	2/24/2021 12:12:58 PM(UTC-5)
[REDACTED]	6181	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	Ok less bad than could be	2/24/2021	2/24/2021 12:15:13 PM(UTC-5)
[REDACTED]	6182	[REDACTED] Peter Ajemien	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	But we can't attack Lindsay if Charlotte is backing her up	2/24/2021	2/24/2021 12:15:37 PM(UTC-5)
[REDACTED]	6183	[REDACTED] Peter Ajemien	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Or it's much harder	2/24/2021	2/24/2021 12:15:43 PM(UTC-5)
[REDACTED]	6184	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	No also it's the wrong move	2/24/2021	2/24/2021 12:15:46 PM(UTC-5)
[REDACTED]	6185	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	Who else is she speaking to	2/24/2021	2/24/2021 12:15:51 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
chat39808816991458 0445	1	[REDACTED] Dani Lever	[REDACTED] Lis Smith Josh Vlasto [REDACTED]@gmail.com Dani Lever (owner)	The statement they have for Lindsay is bad. Are you guys talking to them?	2/24/2021	2/24/2021 12:16:30 PM(UTC-5)
chat39808816991458 0445	2	[REDACTED] Lis Smith	[REDACTED] Dani Lever (owner) Josh Vlasto [REDACTED]@gmail.com Dani Lever (owner)	Yes	2/24/2021	2/24/2021 12:16:37 PM(UTC-5)
chat39808816991458 0445	3	[REDACTED] Lis Smith	[REDACTED] Dani Lever (owner) Josh Vlasto [REDACTED]@gmail.com Dani Lever (owner)	I'm working on it	2/24/2021	2/24/2021 12:16:39 PM(UTC-5)
chat39808816991458 0445	4	[REDACTED] Dani Lever	[REDACTED] Lis Smith Josh Vlasto [REDACTED]@gmail.com Dani Lever (owner)	None of the attacks. Blanket denial. Think of women's groups reaction	2/24/2021	2/24/2021 12:17:00 PM(UTC-5)
chat39808816991458 0445	5	[REDACTED] Josh Vlasto	[REDACTED] Dani Lever (owner) Lis Smith [REDACTED]@gmail.com Dani Lever (owner)	What's the current draft?	2/24/2021	2/24/2021 12:17:35 PM(UTC-5)
chat39808816991458 0445	6	[REDACTED] Dani Lever	[REDACTED] Lis Smith Josh Vlasto [REDACTED]@gmail.com Dani Lever (owner)	This is last I got	2/24/2021	2/24/2021 12:18:00 PM(UTC-5)
chat39808816991458 0445	7	[REDACTED] Dani Lever	[REDACTED] Lis Smith Josh Vlasto [REDACTED]@gmail.com Dani Lever (owner)	"This is an ongoing and transparent attempt by Lindsey Boylan to advance her political campaign with false accusations and lies about this administration. Her previous claims that she had tried to quit the administration were already proven false as she resigned after being counseled for abuse and harassment of three different female subordinates after which she unsuccessfully asked for her job back-- beyond that, these are more politically motivated fabrications and we are not going to dignify them."	2/24/2021	2/24/2021 12:18:05 PM(UTC-5)
chat39808816991458 0445	8	[REDACTED] Lis Smith	[REDACTED] Dani Lever (owner) Josh Vlasto [REDACTED]@gmail.com Dani Lever (owner)	Yes I think it's too hot	2/24/2021	2/24/2021 12:19:49 PM(UTC-5)
chat39808816991458 0445	9	[REDACTED] Dani Lever	[REDACTED] Lis Smith Josh Vlasto [REDACTED]@gmail.com Dani Lever (owner)	Way way	2/24/2021	2/24/2021 12:19:59 PM(UTC-5)
chat39808816991458 0445	10	[REDACTED] Josh Vlasto	[REDACTED] Dani Lever (owner) Lis Smith [REDACTED]@gmail.com Dani Lever (owner)	I actually like it	2/24/2021	2/24/2021 12:20:09 PM(UTC-5)
chat39808816991458 0445	11	[REDACTED] Josh Vlasto	[REDACTED] Dani Lever (owner) Lis Smith [REDACTED]@gmail.com Dani Lever (owner)	I think we need to be direct	2/24/2021	2/24/2021 12:20:14 PM(UTC-5)
chat39808816991458 0445	12	[REDACTED] Josh Vlasto	[REDACTED] Dani Lever (owner) Lis Smith [REDACTED]@gmail.com Dani Lever (owner)	And firm	2/24/2021	2/24/2021 12:20:16 PM(UTC-5)
chat39808816991458 0445	13	[REDACTED] Josh Vlasto	[REDACTED] Dani Lever (owner) Lis Smith [REDACTED]@gmail.com Dani Lever (owner)	But you are better judges than me on this	2/24/2021	2/24/2021 12:20:21 PM(UTC-5)
chat39808816991458 0445	14	[REDACTED] Josh Vlasto	[REDACTED] Dani Lever (owner) Lis Smith [REDACTED]@gmail.com Dani Lever (owner)	She is making this stuff up	2/24/2021	2/24/2021 12:20:26 PM(UTC-5)
chat39808816991458 0445	15	[REDACTED] Dani Lever	[REDACTED] Lis Smith Josh Vlasto [REDACTED]@gmail.com Dani Lever (owner)	Another employee tweeted and said if you wonder what it's like to work here	2/24/2021	2/24/2021 12:20:35 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
chat398088169914580445	16	+ [REDACTED] Dani Lever	+ [REDACTED] Lis Smith + [REDACTED] Josh Vlasto + [REDACTED]@gmail.com Dani Lever (owner)	I think it's too hot to attack her	2/24/2021	2/24/2021 12:20:42 PM(UTC-5)
chat398088169914580445	17	+ [REDACTED] Dani Lever	+ [REDACTED] Lis Smith + [REDACTED] Josh Vlasto + [REDACTED]@gmail.com Dani Lever (owner)	Which means there will be more	2/24/2021	2/24/2021 12:20:50 PM(UTC-5)
chat398088169914580445	18	+ [REDACTED] Lis Smith	+ [REDACTED] Dani Lever (owner) + [REDACTED] Josh Vlasto + [REDACTED]@gmail.com Dani Lever (owner)	I would not attack her	2/24/2021	2/24/2021 12:21:15 PM(UTC-5)
chat398088169914580445	19	+ [REDACTED] Lis Smith	+ [REDACTED] Dani Lever (owner) + [REDACTED] Josh Vlasto + [REDACTED]@gmail.com Dani Lever (owner)	What is the tweet?	2/24/2021	2/24/2021 12:21:20 PM(UTC-5)
chat398088169914580445	20	+ [REDACTED] Dani Lever	+ [REDACTED] Lis Smith + [REDACTED] Josh Vlasto + [REDACTED]@gmail.com Dani Lever (owner)	No me neither	2/24/2021	2/24/2021 12:21:25 PM(UTC-5)
chat398088169914580445	21	+ [REDACTED] Dani Lever	+ [REDACTED] Lis Smith + [REDACTED] Josh Vlasto + [REDACTED]@gmail.com Dani Lever (owner)	It isn't bad but it's still problematic	2/24/2021	2/24/2021 12:21:43 PM(UTC-5)
chat398088169914580445	22	+ [REDACTED] Dani Lever	+ [REDACTED] Lis Smith + [REDACTED] Josh Vlasto + [REDACTED]@gmail.com Dani Lever (owner)	https://twitter.com/_char_bennett_/status/1364613777023451136?s=10	2/24/2021	2/24/2021 12:21:47 PM(UTC-5)
chat398088169914580445	23	+ [REDACTED] Josh Vlasto	+ [REDACTED] Dani Lever (owner) + [REDACTED] Lis Smith + [REDACTED]@gmail.com Dani Lever (owner)	Ugh	2/24/2021	2/24/2021 12:22:07 PM(UTC-5)
chat398088169914580445	24	+ [REDACTED] Dani Lever	+ [REDACTED] Lis Smith + [REDACTED] Josh Vlasto + [REDACTED]@gmail.com Dani Lever (owner)	Also we have issue with her real or imagined but it's a problem	2/24/2021	2/24/2021 12:22:39 PM(UTC-5)
chat398088169914580445	25	+ [REDACTED] Lis Smith	+ [REDACTED] Dani Lever (owner) + [REDACTED] Josh Vlasto + [REDACTED]@gmail.com Dani Lever (owner)	With whom	2/24/2021	2/24/2021 12:23:44 PM(UTC-5)
chat398088169914580445	26	+ [REDACTED] Dani Lever	+ [REDACTED] Lis Smith + [REDACTED] Josh Vlasto + [REDACTED]@gmail.com Dani Lever (owner)	The second tweeted	2/24/2021	2/24/2021 12:23:59 PM(UTC-5)
chat398088169914580445	27	+ [REDACTED] Dani Lever	+ [REDACTED] Lis Smith + [REDACTED] Josh Vlasto + [REDACTED]@gmail.com Dani Lever (owner)	Tweeter	2/24/2021	2/24/2021 12:24:04 PM(UTC-5)
chat398088169914580445	28	+ [REDACTED] Dani Lever	+ [REDACTED] Lis Smith + [REDACTED] Josh Vlasto + [REDACTED]@gmail.com Dani Lever (owner)	This is all to say that I wouldn't go so hot	2/24/2021	2/24/2021 12:24:33 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	276	[REDACTED]	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Hey, it's Jimmy Vielkind. I see Lindsey Boylan making accusations about Cuomo with more detail, and that you and Lindsey were with him at the same time. Anything you can tell me about how they would interact? Can be on-record or off.	2/24/2021	2/24/2021 2:18:44 PM(UTC-5)
[REDACTED]	277	[REDACTED] Dani Lever	[REDACTED]@gmail.com Dani Lever (owner)	Hi jimmy Veilkind	2/24/2021	2/24/2021 2:25:03 PM(UTC-5)
[REDACTED]	278	[REDACTED]	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Nobody ever really leaves	2/24/2021	2/24/2021 2:25:24 PM(UTC-5)
[REDACTED]	279	[REDACTED] Dani Lever	[REDACTED]@gmail.com Dani Lever (owner)	You're telling me!	2/24/2021	2/24/2021 2:25:51 PM(UTC-5)

From: "Melissa DeRosa" [REDACTED]@gmail.com>
Sent: Wed, 24 Feb 2021 17:21:03 -0500 (EST)
To: "Dani Lever" [REDACTED]@gmail.com>

I spent over 6 years working closely and traveling with Andrew Cuomo -- he is exactly the same person in private as he is in public - he can be playful, he can make bad jokes, he can be direct but nothing that ever crosses the line.


Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	6201	[REDACTED] Peter Ajemien	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	At pool house with rich and mdr	2/24/2021	2/24/2021 7:07:29 PM(UTC-5)
[REDACTED]	6202	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	Is she mad at me	2/24/2021	2/24/2021 7:19:56 PM(UTC-5)
[REDACTED]	6203	[REDACTED] Peter Ajemien	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Who?	2/24/2021	2/24/2021 7:20:04 PM(UTC-5)
[REDACTED]	6204	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	Melissa for not being able to put my name on the [REDACTED] statement	2/24/2021	2/24/2021 7:20:45 PM(UTC-5)
[REDACTED]	6205	[REDACTED] Peter Ajemien	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	No she didn't even mention it to me. I didn't even know that was a thing	2/24/2021	2/24/2021 7:30:56 PM(UTC-5)

Start Date February 25, 2021 12:12:25 AM UTC

End Date February 25, 2021 10:38:12 PM UTC

Chat Annabel Walsh [REDACTED] (iMessage)>, Dani Lever [REDACTED]
Account (iMessage)>, Annabel Walsh <+[REDACTED] (Sms)>, Dani Lever
t <+[REDACTED]>, Annabel Walsh <+[REDACTED] (Mms)>, Dani Lever
<+[REDACTED] (Mms)>, Dani Lever [REDACTED] (Sms)>, Annabel Walsh
<+[REDACTED]

Dani Lever <+[REDACTED] (iMessage)>

 I spent over 6 years working closely and traveling with Andrew Cuomo -- he is exactly the same person in private as he is in public - he can be playful, he can make bad jokes, he can be direct but nothing that ever crosses the line. 00:12:25

It's not about the statement 00:20:28

They got [REDACTED] to do it 00:20:32

Annabel Walsh <+[REDACTED] (iMessage)>

 Just to ask if I was hearing anything 00:26:38

I feel badly for her 00:26:44

Like really 00:26:46

S #4 and I fight constantly 00:58:01

Not a today convo 00:58:32

Dani Lever [REDACTED] (iMessage)>

 About what 01:23:03


Annabel Walsh <+[REDACTED] (iMessage)>

 Me working so much 01:30:13


And other stuff 01:30:18

Dani Lever <+[REDACTED] (iMessage)>

AWALSH00001222


 Do you want to talk 01:42:32

Annabel Walsh <[REDACTED]> (iMessage)>


 I can't but thank you. Rest 01:45:22

We just got into a fight bc he said we need to get our stories straight anf was grilling me and told me if I screw it up I'll ruin my career 01:46:22

Dani Lever <[REDACTED]> (iMessage)>

 Story straight about what 01:54:47

Annabel Walsh <+[REDACTED]> (iMessage)>

 What we say when ppl ask about today's story 01:55:04

I was like WHAT ARE WE TALKING ABOUT 01:55:09


IM AN ADULT FEMALE WITH A VERY GOOD BRAIN 01:55:27
THANKS SO MYCH

I said I'm fine I don't need to get anything straight 01:55:40

But he's like our stories have to align for when we talk to our families and in public to other people 01:55:57


I'm like WHAT SO YOU THINK WERE GOING TO BE ON CHARLIE ROSE TMRW 01:56:13

Dani Lever <[REDACTED]> (iMessage)>

 Stories about what??? 01:56:17

I'm so confused 01:56:20

Annabel Walsh <+[REDACTED]> (iMessage)>


 SO WAS I 01:56:25

when ppl ask if the governor was abusier 01:56:37

Dani Lever < [REDACTED] (iMessage)>

 Yeah the answer is no 01:56:50

Annabel Walsh [REDACTED] (iMessage)>

 Exactly like what the Fuck is the question 01:57:07

He's like jumping ship on him bc he talked to [REDACTED] I mean 01:57:46
he's not his line is he's a single guy so sometimes he would flirt
bc he's a single guy but nothing bad

I'm going to fix it with him 01:57:54

But I can't right now bc I'm full of rage 01:58:01

It's always that I'm texting or I'm talking on the phone and not 01:58:37
paying him enough attention

And when he's on the phone with [REDACTED] or texting his family 01:58:56

And the reason he can't go away for my birthday is because he 01:59:42
had already planned this ski trip this weekend

And he was like maybe in April 01:59:55

And then he softly and barely was like it's not fair I know but 02:00:19
job blah

Meanwhile I'm like WHAT DONYOU THINKNIM DOING ON 02:00:32
THE PHONE

FUCKIGN WORKING 02:00:37

And the other day he had the audacity to be like you weren't 02:00:50
working you were gossiping

My point was like YAH NO just bc I can laugh and enjoy my 02:01:25
time with colleagues


Doesn't mean that I'm sitting here gossiping. I have ONE friend 02:02:04
at work for me

Sorry word vomit 02:02:15


What did ball say 11:52:14

Wait is your [REDACTED] today?!? I forgot I'm supposed to deaf you out into a van 11:52:45


Dani Lever [REDACTED] (iMessage)>

 Yes! 11:56:17

Annabel Walsh <+[REDACTED] (iMessage)>

 Omg exciting 11:56:27

Dani Lever <+[REDACTED] (iMessage)>

 He claimed he did it by accident but I said it for him 11:56:27


Like he was like really 11:56:35

And I said I assumed you did that by accident 11:56:43


And he said yeah! 11:56:46

And I said so unlike it 11:56:50


Annabel Walsh <+[REDACTED] (iMessage)>

 Oh god 11:56:58


Dani Lever <+[REDACTED] (iMessage)>

 And he said I don't want to draw more attention 11:57:01

Annabel Walsh [REDACTED] (iMessage)>

 I knew he didn't do it by accident 11:57:10

Dani Lever <+[REDACTED] (iMessage)>

 And I said you won't this is more attention 11:57:10

But like why? 11:57:18

So melissa would see it 11:57:29

?? 11:57:33

Annabel Walsh <[REDACTED]> (iMessage)>

 Bc he always talked about that stuff 11:57:33


Also the wood of the post 11:59:32

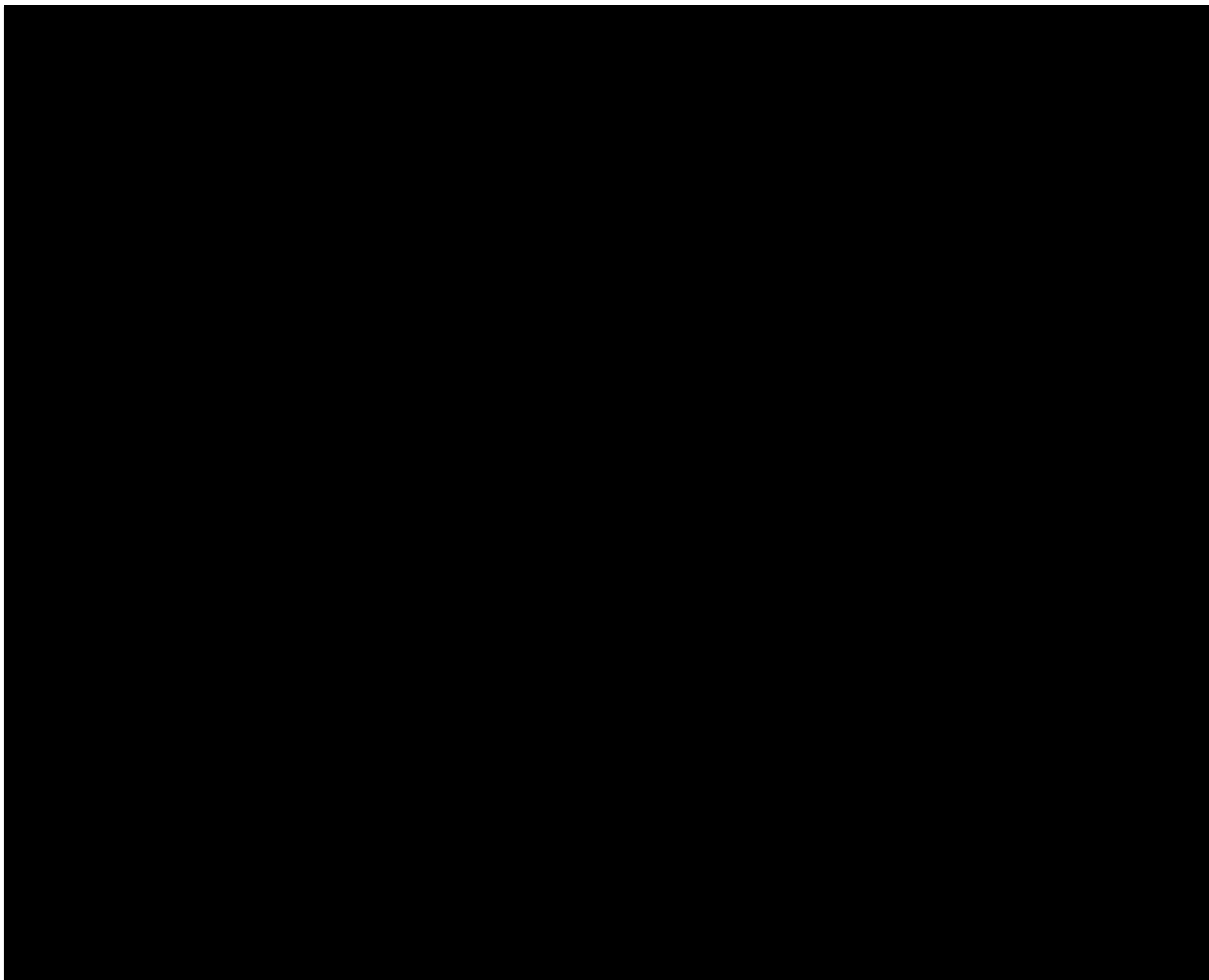
Dani Lever <[REDACTED]> (iMessage)>

 What is it 11:59:43

I mean we all expected this 11:59:50

Annabel Walsh <+[REDACTED]> (iMessage)>

 [~/Library/SMS/Attachments/c8/08/86A5AB0E-D7BA-467D-974F-6A2CF06BB9A1/Covers New York Post.png](file:///Library/SMS/Attachments/c8/08/86A5AB0E-D7BA-467D-974F-6A2CF06BB9A1/Covers%20New%20York%20Post.png) 11:59:58





Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	4117	[REDACTED] Dani Lever	[REDACTED] Andrew Ball @gmail.com Dani Lever (owner)	You liked Charlotte's tweet?	2/24/2021	2/24/2021 9:29:05 PM(UTC-5)
[REDACTED]	4118	[REDACTED] Dani Lever	[REDACTED] Andrew Ball @gmail.com Dani Lever (owner)	Call me	2/24/2021	2/24/2021 9:29:18 PM(UTC-5)
[REDACTED]	4119	[REDACTED] Dani Lever	[REDACTED] Andrew Ball @gmail.com Dani Lever (owner)	Was that on purpose??	2/24/2021	2/24/2021 9:30:41 PM(UTC-5)
[REDACTED]	4120	[REDACTED] Dani Lever	[REDACTED] Andrew Ball @gmail.com Dani Lever (owner)	Can you unlike it	2/24/2021	2/24/2021 9:30:45 PM(UTC-5)
[REDACTED]	4121	[REDACTED] Andrew Ball	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Done	2/24/2021	2/24/2021 9:38:20 PM(UTC-5)
[REDACTED]	4122	[REDACTED] Dani Lever	[REDACTED] Andrew Ball @gmail.com Dani Lever (owner)	♥	2/24/2021	2/24/2021 9:57:41 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	6245	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	I'm like sort of freaking out	2/28/2021	2/28/2021 10:10:22 AM(UTC-5)
[REDACTED]	6246	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	What if Lindsay attacks me	2/28/2021	2/28/2021 10:10:26 AM(UTC-5)
[REDACTED]	6247	[REDACTED] Peter Ajemien	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	It doesn't matter. Everyone knows who she is and they know who you are.	2/28/2021	2/28/2021 10:12:24 AM(UTC-5)
[REDACTED]	6248	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	I'll call right back	2/28/2021	2/28/2021 10:17:44 AM(UTC-5)
[REDACTED]	6249	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	Are you calling up calm me down	2/28/2021	2/28/2021 10:17:52 AM(UTC-5)
[REDACTED]	6250	[REDACTED] Peter Ajemien	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Yes	2/28/2021	2/28/2021 10:20:14 AM(UTC-5)
[REDACTED]	6251	[REDACTED] Peter Ajemien	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	It's not just mean girls	2/28/2021	2/28/2021 10:20:23 AM(UTC-5)

4/8/2021

Gmail - Coming your way



Dani Lever [REDACTED]@gmail.com>

Coming your way

1 message

Lindsey C. Boylan [REDACTED]@gmail.com>
To: [REDACTED]@gmail.com, [REDACTED]@gmail.com

Thu, Mar 4, 2021 at 2:53 PM

Annabel and Dani,

I have often thought of you recently and what sad, depressing, and soulless people you both are. I thought about you when I have spoken with victims recently and how followers like you enable the worst harms of humanity. It's just so depressing to think about you both. It must be even more depressing to be you.

Lindsey Boylan

<https://www.harpersbazaar.com/culture/features/a35725702/lindsey-boylan-speaks-out/>

CONFIDENTIAL—FOIL EXEMPT

DLEVER-00017

1/1

EXHIBIT

33

From: "Richard Azzopardi" [REDACTED]@exec.ny.gov>
Sent: Sat, 27 Feb 2021 09:07:39 -0500 (EST)
To: "Dani Lever" [REDACTED]@gmail.com>
Subject: Fw: Request for comment: Sexual harassment claim

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Jesse McKinley [REDACTED]@nytimes.com>
Sent: Friday, February 26, 2021 8:26 PM
To: Richard Azzopardi; Peter Ajemian; Jill DesRosiers
Subject: Request for comment: Sexual harassment claim

Rich, Peter:

I am currently finishing reporting and writing an article outlining sexual harassment claims made by Charlotte Bennett, a former briefer and executive assistant in the executive chamber who left in November, against Gov. Cuomo.

We're looking for responses to her claims as well as specific incidents and episodes outlined in the story. In addition to speaking with The Times, Ms. Bennett described these claims in contemporaneous texts to, and conversations with, family and friends. The Times has reviewed these texts and verified them with the recipients.

The deadline for responding to these questions is 2 PM on Saturday.

- Ms. Bennett was hired by the administration in early 2019, working out of the governor's Manhattan office.
- After being promoted in mid-2019, Ms. Bennett would chat in a friendly way with the governor over subjects such as their shared connection to [REDACTED]. He would ask her about her dating life sometimes. This relationship seemed paternal in nature or like that of a mentor-mentee.
- In or around late March 2020, Ms. Bennett was asked to work in Albany as part of the state's Covid response.
- On May 15, 2020, Ms. Bennett arrived at the office early to drop off briefing papers and encountered the governor, who was working. He asked about her love life and if she were involved with other members of the governor's staff. After Ms. Bennett brought up a speech she was scheduled to give at her alma mater, which touched on her experiences as a survivor of sexual assault, she was taken aback by the reaction of the governor, who she said kept repeating 'You were raped and abused and attacked and assaulted and betrayed,' over and over again.
- On June 5, 2020, during a work meeting in the governor's office in Albany, the governor asked Ms. Bennett -- who he was alone with -- questions about her sex life, her opinions on monogamy, and if she slept with older men. The governor asked numerous questions about Ms. Bennett's personal and romantic life, complained of being lonely and not having a girlfriend and wanting one in Albany. When she mentioned the possibility of getting a tattoo, he suggested she get it on her buttocks. He asked if she had "hugged" anyone lately. When she said she missed hugging her parents during the pandemic, the governor said, "No, I mean like really hugged somebody?" Ms. Bennett interpreted this -- in toto -- as a sexual invitation.
- On June 10, 2020, Ms. Bennett reported the governor's behavior to Jill Desrosiers. Ms. Desrosiers had asked a few questions, was sympathetic and apologetic, and asked to speak to her again in two days.
- On June 12, 2020, Ms. Desrosiers told Ms. Bennett she would be given a job as a health advisor, still in the exec branch, but in a different part of the Capitol. Ms. Bennett said was moved to a new position as a health policy advisor. **Can you specifically comment on whether Ms. Desrosiers did facilitate, in fact, a transfer in direct response to Ms. Bennett's claims about the governor?**
- On June 30, 2020, Ms. Bennett spoke with Ms. Desrosies and Judith Vogel, when she once again outlined her claims against the governor. Shortly after this, Ms. Bennett decided not to demand an investigation. Ms. Bennett was satisfied with her new job. No action was taken against the governor. **Were any other high-level officials notified of Ms. Bennett's complaints? Was the governor informed? Was proper state policy for handling sexual harassment**

allegations followed?

Thanks, in advance, for responding.
Jesse

--

Jesse McKinley

New York Times

Bureau Chief

Albany

[REDACTED]

C: [REDACTED]

Twitter: @jessemckinley

Skype: [REDACTED]

Instagram: [REDACTED]

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	1865	[REDACTED]	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Have they tried to reach u for statements. I feel like they'd want u baddddly	3/1/2021	3/1/2021 8:05:23 PM(UTC-5)
[REDACTED]	1866	[REDACTED] Dani Lever	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	I've been working on it with them 24/7	3/1/2021	3/1/2021 8:05:38 PM(UTC-5)
[REDACTED]	1867	[REDACTED]	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Omg. Just as u try and transition out. U can't escape.	3/1/2021	3/1/2021 8:06:22 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	5135	[REDACTED] Gareth Rhodes	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	But it's horrible look for me to look wishy washy	3/2/2021	3/2/2021 3:10:20 PM(UTC-5)
[REDACTED]	5136	[REDACTED] Gareth Rhodes	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	I want to just say: "The interaction described by Anna was not appropriate. I regret she experienced this and am proud of her for sharing her story."	3/2/2021	3/2/2021 3:10:28 PM(UTC-5)
[REDACTED]	5137	[REDACTED] Gareth Rhodes	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	You think that is ok?	3/2/2021	3/2/2021 3:21:09 PM(UTC-5)
[REDACTED]	5138	[REDACTED] Dani Lever	[REDACTED] Gareth Rhodes [REDACTED]@gmail.com Dani Lever (owner)	Honesrtly I think if you comemnet you become the story	3/2/2021	3/2/2021 3:30:19 PM(UTC-5)
[REDACTED]	5139	[REDACTED] Dani Lever	[REDACTED] Gareth Rhodes [REDACTED]@gmail.com Dani Lever (owner)	If she leaves you out entirely that's a win	3/2/2021	3/2/2021 3:30:26 PM(UTC-5)
[REDACTED]	5140	[REDACTED] Gareth Rhodes	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	This is what story says!!	3/2/2021	3/2/2021 3:31:34 PM(UTC-5)
[REDACTED]	5141	[REDACTED] Gareth Rhodes	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	"Gareth Rhodes must feel like he's caught between a rock and a hard place — or in this case between his boss and his wife"	3/2/2021	3/2/2021 3:31:36 PM(UTC-5)
[REDACTED]	5142	[REDACTED] Gareth Rhodes	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Sounds like i side w gov over sexual harrassment	3/2/2021	3/2/2021 3:31:58 PM(UTC-5)
[REDACTED]	5148	[REDACTED] Gareth Rhodes	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	I can't be in these stories not commenting on an incident at my own wedding and it looks like I'm in Gov pocket	3/2/2021	3/2/2021 3:33:54 PM(UTC-5)
[REDACTED]	5149	[REDACTED] Gareth Rhodes	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Are u hearing something bad came in	3/2/2021	3/2/2021 4:05:59 PM(UTC-5)

Start Date March 2, 2021 12:58:10 AM UTC

End Date March 2, 2021 9:54:27 PM UTC

Chat Annabel Walsh [REDACTED] (iMessage)>, Dani Lever [REDACTED]
Account (iMessage)>, Annabel Walsh <+[REDACTED] (Sms)>, Dani Lever
t <+[REDACTED] >, Annabel Walsh [REDACTED] (Mms)>, Dani Lever
<+[REDACTED] (Mms)>, Dani Lever [REDACTED] (Sms)>, Annabel Walsh
<+[REDACTED]

Annabel Walsh <+[REDACTED] (iMessage)>

 Gwynne hogan just came to my door 00:58:10

Soooo 00:58:13


Dani Lever <+[REDACTED] (iMessage)>

 I'm on a conf call now 01:01:42

With the office 01:01:44

Should I tell them 01:01:47

Annabel Walsh [REDACTED] (iMessage)>

 I mean sure 01:01:55

She just came and asked for me and S #4 said I wasn't there. 01:02:31
And said you're a reporter right and she said yeah sorry I love
3 blocks away I had to try snd he said okay thanks but please
don't come back have a great night

He was eating chicken [REDACTED] 01:02:38

for a fun color piece 01:02:49

Hi 20:02:49

When can you chat 20:02:54

Dani Lever <+[REDACTED] (iMessage)>

 Now 20:03:00


AWALSH00001234

EXHIBIT

37

Or 6pm 20:03:13

Annabel Walsh [REDACTED] (iMessage)>


 Okay sorry give me five min 20:03:27

Dani Lever [REDACTED] (iMessage)>

 Don't call Steph back 21:00:31

Trust me 21:00:33

Annabel Walsh [REDACTED] (iMessage)>

 She called me and asked about a statement and said she'd call me back and now I'm ducking 21:04:11

What was it 21:34:38

Dani Lever [REDACTED] (iMessage)>

 That 21:53:09

But I'll call you later to explain 21:53:19

Annabel Walsh [REDACTED] (iMessage)>

 Ok 21:54:27

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	5017	[REDACTED]	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Who did he try to fire based on not being able to transfer a call?	2/22/2021	2/22/2021 6:37:11 PM(UTC-5)
[REDACTED]	5018	[REDACTED] Dani Lever	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	I don't know	2/22/2021	2/22/2021 7:47:51 PM(UTC-5)
[REDACTED]	5019	[REDACTED] Dani Lever	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Kaitlin?	2/22/2021	2/22/2021 7:47:53 PM(UTC-5)
[REDACTED]	5020	[REDACTED]	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Who is Kaitlin!?	2/22/2021	2/22/2021 7:49:20 PM(UTC-5)
[REDACTED]	5021	[REDACTED] Dani Lever	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Caitlin	2/22/2021	2/22/2021 7:50:56 PM(UTC-5)
[REDACTED]	5022	[REDACTED] Dani Lever	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	I don't know tho that sounds like Lindsey Boylan bulls but	2/22/2021	2/22/2021 7:51:06 PM(UTC-5)
[REDACTED]	5023	[REDACTED] Dani Lever	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Bullshit	2/22/2021	2/22/2021 7:51:09 PM(UTC-5)
[REDACTED]	5028	[REDACTED]	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Next week will be key	2/22/2021	2/22/2021 8:17:35 PM(UTC-5)
[REDACTED]	5029	[REDACTED] Dani Lever	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	What do you mean	2/22/2021	2/22/2021 8:24:55 PM(UTC-5)
[REDACTED]	5030	[REDACTED]	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Whether more comes out	2/22/2021	2/22/2021 8:31:33 PM(UTC-5)
[REDACTED]	5031	[REDACTED] Dani Lever	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	But I mean about my	2/22/2021	2/22/2021 8:34:39 PM(UTC-5)
[REDACTED]	5032	[REDACTED]	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	About what ?	2/22/2021	2/22/2021 8:39:39 PM(UTC-5)
[REDACTED]	5033	[REDACTED] Dani Lever	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	About me lol	2/22/2021	2/22/2021 9:04:46 PM(UTC-5)

From: "Dani Lever" [REDACTED]@gmail.com>
Sent: Tue, 2 Mar 2021 18:58:30 -0500 (EST)

number of people
jimmy veilkind
shared the convo -

office culture and a lot of people who are not saying what i have said
very abusive culture
yelling and make mistake
spoken to other people who have made similar allegations to charlotte
unwanted kissing on the cheek that wasn't necessarily wanted touch the small of their back
employees

workplace culture

he would talk to people about their personal lives
and how different people interpreted it

were people that worked there that didnt interpret in a negative way

other former officials recalled govs actions in more endearing way
some people had roses delivered, that it was a nice endearing things

he talked to you about dating life
personal life but it was in a way

when is story going

couple

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	1372	[REDACTED] Dani Lever	[REDACTED] Lis Smith [REDACTED]@gmail.com Dani Lever (owner)	Campbell and Spector are working on a story including the people who are helping Gov through this and mentioned both of us. I said I'd call back. Don't really want to be in this type of story. Can you call me when you can step away for a second	3/3/2021	3/3/2021 9:34:42 AM(UTC-5)
[REDACTED]	1373	[REDACTED] Lis Smith	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	I don't want to either	3/3/2021	3/3/2021 9:43:58 AM(UTC-5)
[REDACTED]	1374	[REDACTED] Dani Lever	[REDACTED] Lis Smith [REDACTED]@gmail.com Dani Lever (owner)	I know I figured that	3/3/2021	3/3/2021 9:44:14 AM(UTC-5)
[REDACTED]	1375	[REDACTED] Dani Lever	[REDACTED] Lis Smith [REDACTED]@gmail.com Dani Lever (owner)	So I want to strategize how we get out of it	3/3/2021	3/3/2021 9:44:23 AM(UTC-5)
[REDACTED]	1376	[REDACTED] Lis Smith	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Won't be able to talk for awhile	3/3/2021	3/3/2021 9:44:35 AM(UTC-5)
[REDACTED]	1377	[REDACTED] Lis Smith	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	What did they say	3/3/2021	3/3/2021 9:44:39 AM(UTC-5)
[REDACTED]	1378	[REDACTED] Dani Lever	[REDACTED] Lis Smith [REDACTED]@gmail.com Dani Lever (owner)	That was it	3/3/2021	3/3/2021 9:44:46 AM(UTC-5)
[REDACTED]	1379	[REDACTED] Dani Lever	[REDACTED] Lis Smith [REDACTED]@gmail.com Dani Lever (owner)	He's brought in a small group to help	3/3/2021	3/3/2021 9:44:51 AM(UTC-5)
[REDACTED]	1380	[REDACTED] Dani Lever	[REDACTED] Lis Smith [REDACTED]@gmail.com Dani Lever (owner)	Including me and you	3/3/2021	3/3/2021 9:44:55 AM(UTC-5)
[REDACTED]	1381	[REDACTED] Dani Lever	[REDACTED] Lis Smith [REDACTED]@gmail.com Dani Lever (owner)	I said not sure how accurately you're framing that but need to call you back	3/3/2021	3/3/2021 9:45:11 AM(UTC-5)
chat523071839863863702	99	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED] Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	Should we say something about it like these women treated colleagues with respect or something	3/3/2021	3/3/2021 11:53:06 AM(UTC-5)
chat523071839863863702	100	[REDACTED] Rich Azzopardi	[REDACTED] Dani Lever (owner) [REDACTED] Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	Did she end up taking the quote ?	3/3/2021	3/3/2021 11:54:03 AM(UTC-5)
chat523071839863863702	101	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED] Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	No but she has from someone else	3/3/2021	3/3/2021 12:09:47 PM(UTC-5)
chat523071839863863702	102	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED] Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	She wouldn't let me speak other than on the recording	3/3/2021	3/3/2021 12:10:04 PM(UTC-5)
chat523071839863863702	103	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED] Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	Maybe it's that you tried to give me a heads up on the mean girls thing	3/3/2021	3/3/2021 12:39:40 PM(UTC-5)
chat523071839863863702	104	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien [REDACTED] Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	I don't know	3/3/2021	3/3/2021 12:39:46 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
chat523071839863863702	105	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	I know you guys are crazed but did anyone call her?	3/3/2021	3/3/2021 5:07:41 PM(UTC-5)
chat523071839863863702	106	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	I really want this deployed Dani lever thing out of the story	3/3/2021	3/3/2021 5:07:51 PM(UTC-5)
chat523071839863863702	107	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	Like I'm nervous about FB knowing I've been working on this etc etc	3/3/2021	3/3/2021 5:08:09 PM(UTC-5)
chat523071839863863702	108	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	And naming mean girls bullshit	3/3/2021	3/3/2021 5:08:18 PM(UTC-5)
chat523071839863863702	109	[REDACTED] Peter Ajemien	[REDACTED] Dani Lever (owner) Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	Rich gave a nice statement about you guys and said mean girls is sexist	3/3/2021	3/3/2021 5:10:05 PM(UTC-5)
chat523071839863863702	110	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	Loved "Rich gave a nice statement about you guys and said mean girls is sexist"	3/3/2021	3/3/2021 5:10:33 PM(UTC-5)
chat523071839863863702	111	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	And any update on getting me out of fielding the inquiry	3/3/2021	3/3/2021 5:10:41 PM(UTC-5)
chat523071839863863702	112	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	I'm also scared will push [REDACTED] and [REDACTED]	3/3/2021	3/3/2021 5:12:34 PM(UTC-5)
chat523071839863863702	113	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	Guys?	3/3/2021	3/3/2021 5:37:21 PM(UTC-5)
chat523071839863863702	114	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	Please!	3/3/2021	3/3/2021 5:37:28 PM(UTC-5)
chat523071839863863702	115	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	Omg you did it	3/3/2021	3/3/2021 7:05:32 PM(UTC-5)
chat523071839863863702	116	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	!!!!!!!	3/3/2021	3/3/2021 7:05:34 PM(UTC-5)
chat523071839863863702	117	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	She just texted that my name is out	3/3/2021	3/3/2021 7:05:40 PM(UTC-5)
chat523071839863863702	118	[REDACTED] Rich Azzopardi	[REDACTED] Dani Lever (owner) Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	I talked to her	3/3/2021	3/3/2021 7:05:45 PM(UTC-5)
chat523071839863863702	119	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	Rich I could kiss you but it seems like bad form this week	3/3/2021	3/3/2021 7:05:51 PM(UTC-5)
chat523071839863863702	120	[REDACTED] Dani Lever	[REDACTED] Peter Ajemien Rich Azzopardi [REDACTED]@gmail.com Dani Lever (owner)	Both cheeks	3/3/2021	3/3/2021 7:06:00 PM(UTC-5)
chat523071839863863702	121	[REDACTED] Rich Azzopardi	[REDACTED] Dani Lever (owner) Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	Loved "Rich I could kiss you but it seems like bad form this week"	3/3/2021	3/3/2021 7:06:07 PM(UTC-5)
chat523071839863863702	122	[REDACTED] Rich Azzopardi	[REDACTED] Dani Lever (owner) Peter Ajemien [REDACTED]@gmail.com Dani Lever (owner)	I told her you were tough not mean	3/3/2021	3/3/2021 7:07:33 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
chat523071839863863702	123	+ [REDACTED] Dani Lever	+ [REDACTED] Peter Ajemien + [REDACTED] Rich Azzopardi + [REDACTED]@gmail.com Dani Lever (owner)	But she took out the fielding the press call thing	3/3/2021	3/3/2021 7:07:58 PM(UTC-5)
chat523071839863863702	124	+ [REDACTED] Dani Lever	+ [REDACTED] Peter Ajemien + [REDACTED] Rich Azzopardi + [REDACTED]@gmail.com Dani Lever (owner)	Did she say I was mean to her lol	3/3/2021	3/3/2021 7:08:33 PM(UTC-5)
chat523071839863863702	125	+ [REDACTED] Dani Lever	+ [REDACTED] Peter Ajemien + [REDACTED] Rich Azzopardi + [REDACTED]@gmail.com Dani Lever (owner)	Or you mean mean girls	3/3/2021	3/3/2021 7:08:39 PM(UTC-5)
chat523071839863863702	126	+ [REDACTED] Dani Lever	+ [REDACTED] Peter Ajemien + [REDACTED] Rich Azzopardi + [REDACTED]@gmail.com Dani Lever (owner)	Lollll	3/3/2021	3/3/2021 7:08:41 PM(UTC-5)
chat523071839863863702	127	+ [REDACTED] Rich Azzopardi	+ [REDACTED] Dani Lever (owner) + [REDACTED] Peter Ajemien + [REDACTED]@gmail.com Dani Lever (owner)	Yes I said I gave you a heads up because you were sensitive to that in previous reporting. She emailed us after hours yesterday but I always intended on getting back to you	3/3/2021	3/3/2021 7:09:04 PM(UTC-5)
chat523071839863863702	128	+ [REDACTED] Dani Lever	+ [REDACTED] Peter Ajemien + [REDACTED] Rich Azzopardi + [REDACTED]@gmail.com Dani Lever (owner)	Loved "Yes I said I gave you a heads up because you were sensitive to that in previous reporting. She emailed us after hours yesterday but I always intended on getting back to you"	3/3/2021	3/3/2021 7:16:06 PM(UTC-5)
chat523071839863863702	129	+ [REDACTED] Dani Lever	+ [REDACTED] Peter Ajemien + [REDACTED] Rich Azzopardi + [REDACTED]@gmail.com Dani Lever (owner)	Luhhhh you	3/3/2021	3/3/2021 7:16:33 PM(UTC-5)
chat523071839863863702	130	+ [REDACTED] Dani Lever	+ [REDACTED] Peter Ajemien + [REDACTED] Rich Azzopardi + [REDACTED]@gmail.com Dani Lever (owner)	#cheeks	3/3/2021	3/3/2021 7:16:38 PM(UTC-5)
chat523071839863863702	131	+ [REDACTED] Rich Azzopardi	+ [REDACTED] Dani Lever (owner) + [REDACTED] Peter Ajemien + [REDACTED]@gmail.com Dani Lever (owner)	Liked "#cheeks "	3/3/2021	3/3/2021 7:16:45 PM(UTC-5)
chat523071839863863702	132	+ [REDACTED] Peter Ajemien	+ [REDACTED] Dani Lever (owner) + [REDACTED] Rich Azzopardi + [REDACTED]@gmail.com Dani Lever (owner)	Liked "Yes I said I gave you a heads up because you were sensitive to that in previous reporting. She emailed us after hours yesterday but I always intended on getting back to you"	3/3/2021	3/3/2021 8:41:45 PM(UTC-5)
chat523071839863863702	133	+ [REDACTED] Peter Ajemien	+ [REDACTED] Dani Lever (owner) + [REDACTED] Rich Azzopardi + [REDACTED]@gmail.com Dani Lever (owner)	Good job rich	3/3/2021	3/3/2021 8:41:50 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	1402	[REDACTED] Lis Smith	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	This is hell	3/6/2021	3/6/2021 2:12:41 PM(UTC-5)
[REDACTED]	1403	[REDACTED] Dani Lever	[REDACTED] Lis Smith @gmail.com Dani Lever (owner)	Beyond	3/6/2021	3/6/2021 2:12:49 PM(UTC-5)
[REDACTED]	1404	[REDACTED] Lis Smith	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Why is Linda trying to dictate statements	3/6/2021	3/6/2021 2:13:05 PM(UTC-5)
[REDACTED]	1405	[REDACTED] Lis Smith	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Your suggestion was good	3/6/2021	3/6/2021 2:13:12 PM(UTC-5)
[REDACTED]	1406	[REDACTED] Lis Smith	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	Thank you	3/6/2021	3/6/2021 2:13:13 PM(UTC-5)
[REDACTED]	1407	[REDACTED] Lis Smith	[REDACTED] Dani Lever (owner) @gmail.com Dani Lever (owner)	I'm gonna pass out	3/6/2021	3/6/2021 2:15:55 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
Rapid response/Private and Confidential	1059	[REDACTED] Rich Azzopardi	[REDACTED] Dani Lever (owner) Lis Smith Peter Ajemien Jeffrey Pollock Melissa Derosa Linda Lacewell Steve Cohen Steph Benton Beth Garvey Judy Mogul [REDACTED]@gmail.com	to me Hi [REDACTED] I'm very sorry to badger you, especially at this emotional time, but I'm trying again because we at the NYT are now working on a story specifically about what it is like to be a young woman in Cuomo's executive chamber. We want to be accurate -- and we want to have an impact -- so we need your help. If you are at all willing to share your experience, I would love to talk. Again, if needed, we can talk anonymously ("off the record"). I know this is hard, but this is an important story, and I really think that you can help. Please let me know. [REDACTED]. Thank you so much.	3/8/2021	3/8/2021 10:26:50 AM(UTC-5)
Rapid response/Private and Confidential	1060	[REDACTED] Rich Azzopardi	[REDACTED] Dani Lever (owner) Lis Smith Peter Ajemien Jeffrey Pollock Melissa Derosa Linda Lacewell Steve Cohen Steph Benton Beth Garvey Judy Mogul [REDACTED]@gmail.com	From	3/8/2021	3/8/2021 10:26:56 AM(UTC-5)
Rapid response/Private and Confidential	1061	[REDACTED] Melissa Derosa	[REDACTED] Dani Lever (owner) Lis Smith Peter Ajemien Rich Azzopardi Jeffrey Pollock Linda Lacewell Steve Cohen Steph Benton Beth Garvey Judy Mogul [REDACTED]@gmail.com	Dani have u heard from them on this?	3/8/2021	3/8/2021 12:27:29 PM(UTC-5)
Rapid response/Private and Confidential	1062	[REDACTED] Dani Lever	[REDACTED] Lis Smith Peter Ajemien Rich Azzopardi Jeffrey Pollock Melissa Derosa Linda Lacewell Steve Cohen Steph Benton Beth Garvey Judy Mogul [REDACTED]@gmail.com	No I've only heard from Gormley and Politico this morning	3/8/2021	3/8/2021 12:48:02 PM(UTC-5)
Rapid response/Private and Confidential	1075	[REDACTED] Dani Lever	[REDACTED] Lis Smith Peter Ajemien Rich Azzopardi Jeffrey Pollock Melissa Derosa Linda Lacewell Steve Cohen Steph Benton Beth Garvey Judy Mogul [REDACTED]@gmail.com	The only thing I could think of saying maybe even from a source if true is that you've been talking to the admin about covid, the stimulus, vaccines and bringing NY back. Something to show that we are working for the people and not distracted or off focus	3/8/2021	3/8/2021 3:30:26 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
Rapid response/Private and Confidential	1084	+ [REDACTED] Dani Lever	+ [REDACTED] Lis Smith + [REDACTED] Peter Ajemien + [REDACTED] Rich Azzopardi + [REDACTED] Jeffrey Pollock + [REDACTED] Melissa Derosa + [REDACTED] Linda Laceywell + [REDACTED] Steve Cohen + [REDACTED] Steph Benton + [REDACTED] Beth Garvey + [REDACTED] Judy Mogul + [REDACTED] [REDACTED]@gmail.com Dani Lever (owner)	Or if he's saying that he doesn't doubt we are talking to them about that stuff just try to confirm from a source. Agree we shouldn't go hard and put them in bad spot but I think that's helpful	3/8/2021	3/8/2021 3:32:59 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	1435	[REDACTED] Lis Smith	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Did you hear what it is	3/9/2021	3/9/2021 11:40:57 AM(UTC-5)
[REDACTED]	1436	[REDACTED] Dani Lever	[REDACTED] Lis Smith [REDACTED]@gmail.com Dani Lever (owner)	No what is it	3/9/2021	3/9/2021 11:43:54 AM(UTC-5)
[REDACTED]	1437	[REDACTED] Lis Smith	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	pushed this chick up against the wall, kissed her, put hand up her shirt	3/9/2021	3/9/2021 11:45:00 AM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	461	[REDACTED] Laura Nahmias	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	People dont lie about this kind of stuff! https://www.timesunion.com/news/article/Female-aide-said-Cuomo-aggressively-groped-her-at-16015863.php?utm_campaign=CMS%20Sharing%20Tools%20(Premium	3/10/2021	3/10/2021 6:40:15 PM(UTC-5)
[REDACTED]	462	[REDACTED] Laura Nahmias	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	this is so awful and disappointing	3/10/2021	3/10/2021 6:40:21 PM(UTC-5)
[REDACTED]	463	[REDACTED] Dani Lever	[REDACTED] Laura Nahmias [REDACTED]@gmail.com Dani Lever (owner)	I feel like no one wants the AGs investigation more than he does	3/10/2021	3/10/2021 7:10:09 PM(UTC-5)
[REDACTED]	464	[REDACTED] Dani Lever	[REDACTED] Laura Nahmias [REDACTED]@gmail.com Dani Lever (owner)	I just cannot picture this happening	3/10/2021	3/10/2021 7:10:15 PM(UTC-5)

From: "Dani Lever" [REDACTED]@gmail.com>
Sent: Mon, 15 Mar 2021 19:18:51 -0400 (EDT)

insights in general
working on wider reporting

narrower slice of reporting that is more time sensitive

looking at lindsay boylan;s claims

bullying culture in the office, not distinct from what has been ot there
piece of what i have heard

some of suggestions
she gives examples of the gov making repeated comments about [REDACTED] weight

small incidents
pension for making fun of [REDACTED]
ask a lot of questions of [REDACTED] and whether she would except [REDACTED]
some degree of cruelty

someone who has been dragged into stories
not elevate my profile in the story beyond
way to have a parenthetical response

this is a story is telling repeatedly in different venues

erratic
trigger happy on twitter
bring a firebrand
having that input
credibility
positive and negative
needle to thread

I have seen lindsey be excell at her job but i have also seen instances of belittled abused bullied by her.
obvious its me
but my experience is a shared experience
there are others who have suffered from the wrath of lindsey and all you need to do is look at twitter to see it

someone expressing the complex view of lindsey
and whether it is fair to use without an a name

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
[REDACTED]	1	[REDACTED]	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Thanks again for taking the time to talk. These were the two passages we were discussing for background use: "I've seen Lindsey do her job well but I've also had experiences where I felt belittled or bullied by her." // "It was a really fucking hard place to work. It is brutal. But shouldn't it be? We're doing the most intense work for one of the most important states in the country, we're passing progressive legislation all the time. Is everything he did appropriate? Obviously not. But is there room for nuance and explanation for a lot of this? I think so."	3/15/2021	3/15/2021 7:36:53 PM(UTC-4)
[REDACTED]	2	[REDACTED] Dani Lever	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Thanks again for taking the time to talk. These were the two passages we were discussing for background use: "I've seen Lindsey do her job well but I've also had experiences where I felt belittled or bullied by her." // "It was a really hard place to work. It could be brutal. But shouldn't it be? We're doing the most intense work for one of the most important states in the country, and every year we had more progressive accomplishments than the last."	3/15/2021	3/15/2021 7:56:59 PM(UTC-4)
[REDACTED]	3	[REDACTED]	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Got it, will use what you sent. Can you just confirm that's okay so I can show checker? Thanks.	3/15/2021	3/15/2021 8:05:14 PM(UTC-4)
[REDACTED]	4	[REDACTED] Dani Lever	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	I'm good on both of these	3/15/2021	3/15/2021 8:05:52 PM(UTC-4)
[REDACTED]	282	[REDACTED] Dani Lever	[REDACTED] Jimmy Veilkind [REDACTED]@gmail.com Dani Lever (owner)	On a call now but call in 15 mins	3/16/2021	3/16/2021 7:44:47 PM(UTC-4)
[REDACTED]	283	[REDACTED] Jimmy Veilkind	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Ok. ASAP please.	3/16/2021	3/16/2021 7:45:10 PM(UTC-4)
[REDACTED]	284	[REDACTED] Dani Lever	[REDACTED] Jimmy Veilkind [REDACTED]@gmail.com Dani Lever (owner)	Did you hang up on me	3/16/2021	3/16/2021 7:53:25 PM(UTC-4)
[REDACTED]	285	[REDACTED] Dani Lever	[REDACTED] Jimmy Veilkind [REDACTED]@gmail.com Dani Lever (owner)	I don't get what it adds to the story	3/16/2021	3/16/2021 8:08:29 PM(UTC-4)
[REDACTED]	286	[REDACTED] Dani Lever	[REDACTED] Jimmy Veilkind [REDACTED]@gmail.com Dani Lever (owner)	Or why I need to be dragged into it	3/16/2021	3/16/2021 8:11:53 PM(UTC-4)
[REDACTED]	287	[REDACTED] Dani Lever	[REDACTED] Jimmy Veilkind [REDACTED]@gmail.com Dani Lever (owner)	You're going to make it look like to readers that I wrote the letter	3/16/2021	3/16/2021 8:30:51 PM(UTC-4)
[REDACTED]	288	[REDACTED] Dani Lever	[REDACTED] Jimmy Veilkind [REDACTED]@gmail.com Dani Lever (owner)	I would like to speak again before story goes to understand how I'm being characterized	3/17/2021	3/17/2021 10:41:21 AM(UTC-4)
[REDACTED]	289	[REDACTED] Dani Lever	[REDACTED] Jimmy Veilkind [REDACTED]@gmail.com Dani Lever (owner)	And want to give you context if you go back to Lindsay and ask about me	3/17/2021	3/17/2021 11:10:23 AM(UTC-4)
[REDACTED]	290	[REDACTED] Jimmy Veilkind	[REDACTED] Dani Lever (owner) [REDACTED]@gmail.com Dani Lever (owner)	Received	3/17/2021	3/17/2021 11:12:32 AM(UTC-4)
[REDACTED]	291	[REDACTED] Dani Lever	[REDACTED] Jimmy Veilkind [REDACTED]@gmail.com Dani Lever (owner)	Thank you for calling me. I greatly appreciate it.	3/18/2021	3/18/2021 9:26:17 PM(UTC-4)

From: "Lach, Eric" [REDACTED]@newyorker.com>
Sent: Thu, 18 Mar 2021 11:07:07 -0400 (EDT)
To: [REDACTED]@gmail.com
Subject: letter
Attachments: Dani Lever Letter - 8:7:2018.jpeg

CUOMO COUNSEL KNEW ABOUT DCJS FIRING
The Times-Union (Albany, NY)

August 6, 2018 Monday
Final Edition EDITION

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Section: MAIN; Pg. A1

Length: 1566 words

Byline: BRENDAN J. LYONS

Body
Albany

The chief counsel to Gov. Andrew M. Cuomo met privately with state Inspector General Catherine Leahy Scott and two top officials for the state Division of Criminal Justice Services last December, a week after a female attorney at the agency was terminated for her testimony in a sexual harassment investigation.

The disclosure of the meeting confirms that the governor's top counsel, Alphonso David, was quickly made aware of the controversial decision by DCJS acting Commissioner Michael C. Green to fire the attorney, Gina L. Bianchi, but did not directly intervene. Instead, a spokesman for Cuomo said, their office referred the matter to the Governor's Office of Employee Relations, which does not have investigative powers and took no action to undo Bianchi's termination.

The case stoked unrest among many state workers because two women who had cooperated in the inspector general's investigation of sexual harassment at DCJS were later punished -- one terminated and the other transferred against her wishes -- and the longtime director accused of wrongdoing, Brian J. Gestring, was not disciplined.

Kimberly Schiavone, the second female employee punished by DCJS, was transferred to a different unit last year, and reassigned from a large office with windows to one that was formerly used as a storage closet.

Gestring was fired for an unrelated complaint. He has denied the allegations that were leveled against him and recently filed a court petition seeking a "name-clearing hearing" from the state.

The petition, filed in state Supreme Court in Albany, indicates that on March 20 -- two days after the details of the treatment of the female employees at DCJS was made public by the Times Union -- Green "had a rare private discussion" with Gestring and said "the governor's office was behind (Gestring) and that the IG screwed up. He also said Alphonso David might make the IG clarify their 'report,'" which had detailed years of workplace misconduct by Gestring.

Cuomo has for months declined to comment on the case because he said it remains under investigation by the state Joint Commission on Public Ethics. Cuomo called for that investigation, which remains pending, in late March after the case became public.

Richard Azzopardi, the governor's spokesman, had previously said Cuomo's office reported the matter to the employee relations office around Dec. 18, but he did not mention the unusual meeting between David, Leahy Scott and the DCJS officials that took place on Dec. 12.

Bianchi, an attorney who has worked for DCJS for 25 years, was fired by Green on Dec. 5 after he confronted her with a copy of her testimony to the inspector general's office in the sexual harassment probe. Bianchi testified as a witness in the case.

Under New York's Executive Law, state employees are obligated to report abuse or misconduct to the inspector general's office and cannot be subjected to "adverse personnel action," including dismissal or discipline, for doing so.

Civil service rules allowed Bianchi to retain employment at DCJS by falling back to a junior-level attorney's position that came with a \$44,000-a-year pay cut. The agency also took steps to move her into a smaller office, but abandoned that plan days after the Times Union asked questions about the case.

Azzopardi, the governor's spokesman, last week described Bianchi's termination as a "reassignment."

"To be clear the reassignment at the heart of this issue was done without our knowledge, nor prior approval," he said.

Gestring, in an interview last week, said he was a scapegoat. He also does not believe that Green would have fired Bianchi last December without authorization from the governor's office.

"They have to give their blessing to anything like that," Gestring said.

DCJS officials have continued to spar with the inspector general's office over the Gestring case.

Last October, the inspector general's office informed the agency that its investigation had uncovered serious misconduct allegations against Gestring. It recommended the agency take action against him as well as two other top officials -- First Deputy Commissioner Mark Bonacquist and human resources director Karen Davis -- for their alleged mishandling of the complaints.

Instead of following that guidance, DCJS conducted its own investigation and determined the allegations were unfounded. In March, four days after the Times Union's story disclosed details of the case, Gestring was fired for an unrelated incident involving an inappropriate comment he allegedly made during an off-site training seminar in June 2017.

The decision to fire Gestring came swiftly and was based on the findings of a human resources officer at the state Office of General Services who recommended his termination despite not having fully investigated the 2017 incident.

Gestring's petition to force the state to conduct a hearing to allow him to try and clear his name remains pending in state Supreme Court in Albany. Bianchi, meanwhile, has filed a federal lawsuit against the state accusing DCJS of civil rights violations for improperly terminating her from her senior-level position.

Green fired Bianchi on Dec. 5 after he interrogated her for more than two hours about the testimony she gave to the inspector general's office. Her attorney, John W. Bailey, said she believed that her testimony was confidential and would not be shared with DCJS.

On Dec. 6, Leahy Scott wrote a six-page letter to DCJS outlining the details of their investigation of Gestring and advising the agency to take appropriate action against him and the two other managers.

Gestring alleges that Green told him the inspector general's letter was actually a "backdated report" that had been created after the Dec. 12 meeting with the governor's office. A spokesman for the inspector general's office declined to comment.

Schiavone, a manager in the Forensic Services Office who had reported directly to Gestring since 2012, was notified that same day by three top DCJS officials -- including Green -- that she was being transferred to a different department because of their concern that she would not be able to work with Gestring anymore.

Schiavone filed a workplace violence complaint against Gestring last August, but the agency did not follow up and never interviewed her about the complaint, said Bailey, who is also Schiavone's attorney.

DCJS has described its decision last December to terminate Bianchi and transfer Schiavone as "appropriate actions ... to maintain the appropriate work environment at DCJS."

According to Bianchi's attorney, the director of GOER told Bianchi that he had received a referral from the inspector general's office. But he did not mention any contact with the governor's office on the case.

Gestring, a 48-year-old former New York Police Department scientist, had also been a member of the state's Commission on Forensic Science, which oversees crime laboratories across New York.

The examination of Gestring's alleged workplace misconduct began last May when investigators with the inspector general's office stumbled onto the charges during an unrelated probe of negligence by a DCJS employee involving DNA evidence in a Suffolk County criminal case.

The investigation of Gestring revealed a history of offensive and inappropriate behavior that began shortly after he began working for DCJS in July 2012. Records indicate that about four months after Gestring was hired, he received two counseling memos for misbehavior. Gestring signed the memos to certify he had read them, but added handwritten notes claiming he disagreed with the findings, had been forced to sign them, and that staff at DCJS had "agendas," according to details of the inspector general's investigation shared with the Times Union.

"Significantly, no action was taken to address this defiant response and mitigate further misconduct in the future," the inspector general's office concluded in a confidential summary of its investigation.

Investigators, who obtained sworn testimony from multiple DCJS employees, said they were also told that Gestring had once encouraged a female manager to file fraudulent sexual harassment charges against a male colleague in an apparent effort to have him terminated. The female employee refused.

Last October, Leahy Scott and her deputy inspector general, Spencer Freedman, met with DCJS's top legal counsel, John Czajka, and Executive Deputy Commissioner Green to outline the findings of the inspector general's investigation and to turn the case over to DCJS. Czajka and Green asked the inspector general's office for copies of the testimony -- including tape-recorded sworn interviews -- that had been obtained during the investigation.

Leahy Scott, who was appointed inspector general by Cuomo in 2013, followed up the October meeting with the five-page letter to DCJS on Dec. 6 outlining the findings of her office's investigation.

Gestring's court petition alleges that he did nothing wrong, that DCJS had rightfully cleared him of the harassment allegations, and that the accusations were made by disgruntled and underperforming employees. His court petition said that Bianchi "was on a mission" to get him fired.

"Despite being the acting commissioner, Green was not actively engaged at DCJS, was rarely physically present

in Albany, and completely deferred to Bianchi," the petition states.

██████████@timesunion.com - ██████████ - @brendan_lyonstu

From: [REDACTED] Redacted in original production @EXEC.DIV.GOV>
Sent: Tuesday, August 7, 2018 5:52 PM
To: TU Letters
Cc: [REDACTED]
Subject: LTE re: DCJS Coverage

The below letter to the editor should be attributed to Dani Lever. Thank you.

To the editor:

Recent coverage of workplace harassment and wrongful termination allegations at the State Division of Criminal Justice Services by the Times Union either misrepresented the facts, or blatantly ignored them. With something as important as the safety and wellbeing of victims who feel they have been harassed, the facts matter, and it is why every allegation must be thoroughly and rigorously investigated.

Last week, the four individuals named in a related wrongful termination suit all filed motions to dismiss citing what they say are blatant falsehoods and legal inaccuracies contained in the suit. All of this documentation is readily available. Rather than even mention this development, the Times Union decided to instead run a story days later alleging the Governor's Counsel, who is not a party to this case, delayed taking action. To be clear, this is also an outright falsehood.

The Executive Chamber actually took action and referred the allegations to the agency tasked with investigating these cases immediately – not months – after they came to our attention. Furthermore, this is a matter that the Governor takes so seriously that we fought to include groundbreaking new reforms in this year's budget to ensure employees are safe and protected.

We are in the season where political opponents look to seize and distort anything they can in order to score cheap points. We just hope that moving forward, the Times Union sticks to reporting on these matters, rather than participating in it themselves.

Dani Lever
Press Secretary
Governor Andrew M. Cuomo

From: "Dani Lever" [REDACTED]@gmail.com>
Sent: Thu, 18 Mar 2021 15:28:09 -0400 (EDT)

there were four defendants
the defendants

[REDACTED]
and [REDACTED]

[REDACTED] sued them
wrongfully terminated

reach conclusions

[REDACTED] did they
we heard about it after and then referred to goer right away

that is why we referred it

2020 state settles lawsuit

[REDACTED]
on track for trial
[REDACTED] so that case is still pending

From: "Dani Lever" [REDACTED]@gmail.com>
Sent: Thu, 18 Mar 2021 13:54:36 -0400 (EDT)

jennifer kennedy park
willing to schedule some time to talk to us about time in gov's office and hopefully soon rather than later
just an interview - not on the record
the new york attorney general appointed 5 people and colleagues
to conduct independent of allegations of harassment
we would do our very best to preserve confidentiality
very small group of people who we report to at the AGs office
and don't report names
we would do this as an informal interview
chance to hear about experience in the office
no but will say that someone that we do want to talk to
informally if we can
we do have subpoena power
could subpoena you
we could do that

lawyer present -
fine
scope is just investigate allegations of sexual harassment
know anything about those accounts
office dynamics and things like that

would like to move quickly
would be great if we could hear back from me soon

[REDACTED]
[REDACTED]@ag.ny.gov

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Redacted

Redacted in original production

Redacted
Redacted in original production

EXHIBIT
50

Redacted

Redacted in original production