Res. 115-2013
Attachment

COUNTY OF COLUMBIA

POLICY & COMPLAINT PROCEDURE REGARDING DISCRIMINATION AND HARASSMENT

I. POLICY:

It is the policy of the County of Columbia to provide and maintain a work environment which is free from unlawful harassment and discrimination based on sex (with or without sexual conduct), race, creed, color, religion, national origin, age, disability, sexual orientation, marital status, military status, domestic violence victim status, arrest or conviction record, genetic characteristics, and any other class protected by law (collectively referred to as "discriminatory harassment" or "harassment"). Discrimination or harassment based on these characteristics is a form of unlawful discrimination and is a form of misconduct that undermines the integrity of the employment relationship and will not be tolerated. Accordingly, such conduct is prohibited in each and every work environment and each and every situation, which directly impacts the work environment.

As such County expressly prohibits any form of employee discrimination or harassment based on race, creed, religion, sex, national origin, age, disability, or an individual's status in any class protected as stated above by applicable federal, state, or local law. Improper interference with the ability of our employees to perform their expected job duties will not be tolerated.

All County employees will be expected to comply with this policy and with all applicable laws and regulations prohibiting sexual harassment and other forms of discrimination or harassment and must take appropriate measures to ensure that such conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include, but is not limited to, verbal or written reprimand, suspension or termination.

This policy applies to all applicants and employees of the County of Columbia and prohibits harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the County (e.g., an outside vendor, consultant or citizen).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

The interpretation and administration of this policy shall be the responsibility of the Chairman of the Board of Supervisors in conjunction with the Equal Employment Opportunity ("EEO") officer. This includes development of procedures for handling and investigating complaints of sexual harassment and other forms of harassment, and

enforcement of appropriate sanctions for such conduct. The EEO officer or a designee of the Chairman of the Board of Supervisors will disseminate information and training, in a manner that is consistent with and in furtherance of this policy. Any and all questions regarding this policy should be directed to the EEO Officer or the Chairman of the Board of Supervisors.

II. DEFINITIONS:

A. Sexual Harassment is defined as:

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment (e.g., promotion, training, assignments, etc. . .);

2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of specific behaviors that may be considered sexual harassment include, but are not limited to:

* Spoken or written words related to an employee's sex
* Any sexual advance that is unwelcome
* Sexually oriented comments
* Showing or displaying pornographic or sexually explicit objects or pictures in the workplace
* Offensive touching, patting or pinching
* Requests for sexual acts or favors
* Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct
* Threats, demands or suggestions that an employee's work status is contingent upon her/his toleration of or acquiescence to sexual advances
* Subtle pressure for sexual activities
* Leering at a person
* Visiting sexual or otherwise inappropriate websites or distributing the same via electronic mail.

Sexual harassment is gender neutral and may involve members of the same or different gender.

It is no excuse that the alleged conduct "meant no harm" or was "a joke."

B. Other unlawful harassment:

Discrimination or harassment on the basis of any other protected characteristic is also prohibited.

Prohibited discrimination or harassment is verbal or physical conduct that is offensive to or shows hostility or aversion toward an individual because of his/her race, creed, color, religion, national origin, age, disability, or any of the protected statuses enumerated above, and that:

(i) has the purpose or effect of creating an intimidating, hostile or offensive work environment;

(ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or

(iii) otherwise adversely affects an individual's employment opportunities.

Examples of discrimination or harassment include, but is not limited to:

- Distributing epithets, slurs, jokes, remarks, or negative stereotyping that are derogatory or demeaning to an individual's or group's characteristics or that promote stereotypes
- Threatening, intimidating or hostile acts
- Displaying or circulating in the workplace (including through e-mail, internet, or social networking sites, such as, but not limited to Facebook, MySpace, or Google+) of written or graphic material that denigrates or shows hostility or aversion toward an individual or group, based on an individual's protected class.

III. PROCEDURE:

A. REPORTING DISCRIMINATION OR HARASSMENT

1. If an individual is subjected to a situation which he/she believes constitutes discriminatory harassment in violation of this Policy, the County recommends that the employee advise the harasser that his/her behavior is not welcomed and will not be tolerated; note that neither this policy nor state/federal law requires that an individual tell an alleged harasser to stop his/her actions. Employees should feel free to keep written records of any alleged harassment incidents, including the date, time, location, names of people involved, witnesses (if any), and who said or did what to whom.

2. If an alleged incident of discriminatory harassment cannot be resolved directly between the parties involved, a written or verbal complaint should be filed by the affected employee with the employee's Deputy Department Head or Department Head. In the event the employee does not believe it would be appropriate to file the complaint with then Deputy Department Head or Department Head, it may be filed directly with the Chairman of the Board of Supervisors or the County's EEO Officer.

3. All harassment complaints will be investigated as promptly as possible and resolved within a reasonable time after the receipt of the complaint. The County, through an investigator and with the oversight of the EEO Officer or the Chairman of the Board of Supervisors or his/her designee, will coordinate an investigation of the complaint. Following the investigation, a written report of the findings and conclusions shall be issued by the investigator to the EEO Officer, but if there is a complaint involving a Department Head, an EEO Officer, or any employee of the EEO department, the report will be issued to the Chairman or his/her designee. The Chairman reserves the right to designate a committee, if need be, to review such complaints.

4. Thereafter, an Initial Determination on the complaint will be issued and either the EEO Officer or the Chairman of the Board of Supervisors will communicate the results back to the complainant.

5. Retaliation against any individual making a discrimination or harassment complaint or assisting in the investigation of such a complaint is strictly forbidden. Retaliation, like discrimination and harassment, is against the law and is a serious violation of this policy. Employees who retaliate against other employees who complain about discrimination or harassment and/or participate in an investigation of discrimination or harassment will be subject to disciplinary action.

IV: MISCELLANEOUS:

A. In the event a complaint of discriminatory harassment is determined to be founded, the County will take disciplinary action in accordance with the provisions of applicable collective bargaining agreements and/or state law.

B. If disciplinary charges are filed against an employee on the grounds that the County has determined the employee is guilty of discriminatory harassment, the accused employee may exercise his/her rights through the disciplinary procedure provided for in his/her labor contract and/or state law.

C. Reporting of a false complaint is a serious act. In the event it is found that the individual bringing the complaint has made false accusations, the County will take action in accordance with the provisions of the applicable collective bargaining agreement and/or state law.

D. All information gathered during an investigation of a harassment complaint will be handled in a confidential manner, to the extent possible.

E. Retaliation against any individual making a harassment complaint or assisting in the investigation of such a complaint is forbidden. Retaliation is a serious violation of this policy, which may result in disciplinary action.

F. This Policy does not preclude the filing of harassment complaints with either the New York State Division of Human Rights or the Federal Equal Employment Opportunity Commission, or the pursuing of any other remedies as permitted by law.

G. File your complaint as soon as possible as some time limitations may preclude bringing an action in certain forums.

V: RESPONSIBILITIES OF MANAGERS/SUPERVISORS:

A. All managerial and supervisory personnel of the County of Columbia shall be responsible for enforcing this Policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from discriminatory harassment and its effects. Failure of a manager or supervisor to comply with this responsibility may result in disciplinary action.

B. All managerial and supervisory personnel who receive discriminatory harassment complaints will be responsible for immediately forwarding such complaints to the County.

C. The County of Columbia will conduct periodic training for managerial and supervisory personnel on the issues surrounding discriminatory harassment, its effects and its appearances, and the role and responsibility of managerial/supervisory personnel in preventing incidents of harassment complaints.

D. The County of Columbia shall distribute this Policy to all County employees and all others covered by its parameters. Copies of this Policy will be distributed to new employees as they are hired.

E. Copies of this Policy will be conspicuously posted.

ACKNOWLEDGMENT FORM

I acknowledge that I have received a copy of the County of Columbia's Policy and Complaint Procedure Regarding Discrimination and Harassment. I agree that I have read the policy thoroughly and agree to abide by such policy. Further, I agree that if there is any provision that I do not understand, I will seek clarification from the Department Head or Human Resources Department.

Date: _____

Signature: _____

Print Name: _____

COUNTY OF COLUMBIA
HARASSMENT COMPLAINT FORM

Instructions:

If you have a complaint, please complete this form and hand deliver to your department head or the Human Resources Department.

To protect your rights, it is important that you file your complaint as soon as possible after the alleged discriminatory act took place.

A. General Information:

Name: _____
Address: _____
_____

Telephone #: (Work) _____
(Home) _____

Department Employed In. _____

Department Head: _____

NATURE OF HARASSMENT

B. Alleged Harassment Incident:

1. Please describe the incident (If necessary, attach additional sheets to this form.):
_____
_____
_____
_____

2. Specifically:

   a. Name(s) of the party responsible for the alleged incident:
   _____

   b. Date & Time: _____
   Place: _____

c. First Incident: Yes _____ No _____
If not first incident, please list date, time and place of previous incident(s):

_____
_____
_____

d. Describe your reaction(s) the alleged incident(s):

_____
_____
_____
_____

e. List any witness(es) to the alleged incident(s):

_____
_____

I, _____, affirm that I have read the above complaint and that it is true to the best of my knowledge, information and belief.

_____

Signature Date