

HARASSMENT-FREE WORKPLACE POLICY

Purpose and Scope

The purpose of this policy is to provide a safe and productive work environment by encouraging courteous communication and maintaining a professional demeanor within the Agency. The Onondaga County Resource Recovery Agency will not condone or tolerate any conditions of a discriminatory, harassing nature. This policy applies to all employees of the Onondaga County Resource Recovery Agency.

Policy Statement

It is the policy of the Onondaga County Resource Recovery Agency to prohibit harassment or other discrimination in our Agency workplace on the basis of race, sex, religion, color, national origin, disability, age, marital status, sexual orientation, familial status, military status, arrest or conviction record, predisposing genetic characteristics, or if they are a victim of domestic violence.. This policy is meant to deal with discriminatory harassment that might occur against an Agency employee. Employees are encouraged to freely raise issues and concerns on an individual basis with their supervisors or with members of management as to any matter that they find offensive, inappropriate, or unacceptable in our Agency workplace. Discriminatory harassment can be based on race, sex, religion, color, national origin, disability, age, marital status, sexual orientation, familial status, military status, arrest or conviction record, predisposing genetic characteristics, or if they are a victim of domestic violence.. The Agency will not tolerate any discriminatory verbal or physical conduct by any Agency employee that harasses, disrupts, or interferes with another Agency employee's work performance or which creates an intimidating, offensive, or hostile work environment. Any such discriminatory harassment will be considered employee misconduct and a violation of the Agency's Work Rules. Failure by an Agency employee to adhere to this strict policy against discriminatory harassment may be grounds for immediate termination. The Agency will also not tolerate third party harassment in which any of our employees are subjected to harassment for any of the above reasons by a customer, client, or visitor to the Agency. Discriminatory harassment by an Agency employee or by others may be a violation of the New York State Human Rights Law as well as the Federal Civil Rights Act of 1964, which can subject a violator to stiff disciplinary action and/or legal sanctions.

Note: The Agency's internal discriminatory harassment complaint procedure does not interfere with or supersede the right of Agency employees to file complaints with the New York State Division of Human Rights, the U.S. Equal Employment Opportunity Commission or any other government agency.

What is Harassment Under This Policy?

Sexual harassment includes deliberate or repeated unsolicited verbal innuendoes or comments, gestures, or physical contact of a sexual nature which are unwelcome. Displays of sexually explicit or suggestive objects, pictures or material; sexually degrading words used to describe an individual, lewd jokes, acts of aggression, intimidation, hostility, rudeness, name calling, and other types of abusive conduct which create an intimidating, hostile, or offensive environment can be sexual harassment. Unwelcome sexual advances; flirtations or propositions; requests for sexual favors; graphic or suggestive comments about an individual's dress or body; or requiring an Agency employee to submit to verbal or physical conduct of a sexual nature as an explicit or

implicit term or condition of employment can also be sexual harassment. Similarly, sexual harassment may include conduct that has the purpose or effect of substantially interfering with an affected employee's work performance or creating an intimidating, hostile, or offensive work environment. Sexual harassment, as defined above, can also be perpetrated on an Agency employee by a customer, client, or visitor.

Racial and national origin harassment or discrimination are defined as racial or ethnic slurs, racial or ethnic jokes, or other intimidating, hostile, or offensive verbal or physical conduct relating to a person's race, color, or national origin.

Religious harassment or discrimination is defined as religious slurs, jokes, comments, or ridicule which is antagonistic towards one's religious beliefs, preferences, or affiliation. It may also involve imposed religious inducement or any mandatory religious activity. Examples of religious harassment include, but are not limited to, harassment of an employee because they wear religious clothing, such as a cross around the neck, continual mocking of an employee's religious convictions, or intentionally using offensive language in order to mock one's religious beliefs.

Age harassment or discrimination involves slurs, jokes, comments, or ridicule of a harassing or humiliating nature that is aimed at an employee's age. Age discrimination may include comments regarding an employee's ability to perform his/her work due to age or causing literature to be continuously received by an employee which is related to one's age and may cause hostility or humiliation.

Disability harassment or discrimination includes actions or comments of a harassing, humiliating, or discriminatory nature which target an employee's physical handicap or disability.

Sexual orientation harassment or discrimination includes comments of a harassing nature, jokes, or other intimidating, hostile, or offensive verbal or physical conduct relating to a person's sexual orientation.

Military status harassment or discrimination includes comments or actions of a derogatory or discriminatory nature relating to employee's participation or service in the military service of the United States, New York State, or the National Guard or Reserves.

Familial status harassment or discrimination is defined to include discrimination or harassment against any person who is pregnant or is in the process of securing legal custody of a child under the age of 18.

Predisposing genetic characteristic harassment or discrimination includes discrimination or harassment against an individual whose genetic makeup may predispose them to disease, disability, mental illness, or physical development problems.

Harassment or discrimination against a victim of domestic violence can occur when an employee who is a victim of an act which would constitute a family offense is harassed or discriminated against.

Marital status harassment or discrimination means harassment or discrimination based upon an employee's marital status.

Arrest or conviction record discrimination is discrimination in hiring, based upon an individual's arrest or conviction record unless that record is directly related to the requirements or responsibilities of the job in question or the hiring of an individual with such record would create an unreasonable risk to the safety of people or property.

Adopted by Resolution No. 914 of June 11, 1997

Amended by Resolution No. 1319 of February 12, 2003

Amended by Resolution No. 1690 of December 9, 2009

OCRRA EMPLOYEE'S HARASSMENT COMPLAINT REPORT FORM

Complete and submit to your supervisor, department head, Personnel Analyst, Executive Director, or the Business Officer.

- If you have any questions in completing this form, please contact the Personnel Analyst for assistance.

Name of Employee _____ Date Submitted _____

Job Title _____ Work Area _____

Supervisor _____

Please check the applicable box:

I hereby complain that I have been subjected to harassment or discrimination based on:

- | | |
|---|---|
| <input type="checkbox"/> age | <input type="checkbox"/> disability |
| <input type="checkbox"/> sex | <input type="checkbox"/> third-party sexual harassment |
| <input type="checkbox"/> race | <input type="checkbox"/> national origin |
| <input type="checkbox"/> religion | <input type="checkbox"/> sexual orientation |
| <input type="checkbox"/> marital status | <input type="checkbox"/> familial status |
| <input type="checkbox"/> military status | <input type="checkbox"/> my arrest or conviction record |
| <input type="checkbox"/> predisposing genetic characteristics | |
| <input type="checkbox"/> because I am a victim of domestic violence | |

Nature of Complaint:

Date of the event _____

Parties Involved _____

Please explain what happened _____

Complainant's Signature _____

Office Use Only
Date Received _____
Receiver's Initials _____

AGENCY'S PROCEDURE FOR REPORTING HARASSMENT

Any employee who believes that the actions or words of a supervisor, fellow employee, third party customer, client, or visitor constitutes race, sex, religion, color, national origin, disability, age, marital status, sexual orientation, familial status, military status, arrest or conviction record, predisposing genetic characteristics, or victim of domestic violence harassment should report such conduct to his or her supervisor, department head, Personnel Analyst, Executive Director, or to the Business Officer of the Agency as soon as possible.

An employee may file a complaint by taking the following steps:

1. Complete a Harassment Complaint Report Form

This should be filled out within ten working days of the event or your discovery of the event that is related to the complaint. (The form may be obtained in your local office's break room).

2. Submit the Complaint Form

Complaint may be filed with any of the following individuals: your supervisor, department head, Personnel Analyst, Executive Director, or the Business Officer of the Agency.

Investigation

Only complaints received from the person allegedly being harassed, not by others on their behalf, will be investigated by the Agency. All such complaints of harassment will be promptly and thoroughly investigated by the Agency. The Agency will examine the facts and circumstances of the complaint. When at all possible, the investigation and resolution of a complaint shall be conducted in a confidential manner.

Disciplinary Procedure

Following an investigation, any department head, supervisor, agent, or other employee found to have engaged in any type of harassment of another employee in violation of the Agency's Policy shall be subject to disciplinary action according to Agency Work Rules, up to and including termination. (See Appendix C-4)

If a complaint alleges third party harassment by a customer, client, or visitor to the Agency, immediate and corrective action that may be available will be taken to eliminate such conduct.

Review of Agency Decision

If the complaining Agency employee is not satisfied with the outcome, the employee may notify the Agency's Executive Director within ten work days of the completion of the investigation and a meeting will be scheduled between the employee and the Agency's Executive Director to discuss the findings and the appropriateness of the disciplinary action, if any, taken.