

APPENDIX D

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 with 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 discrimination on the basis of age, sex, disability, race, national origin, religion or sexual orientation in our Agency workplace. 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 age, sex, disability, religion, race, national origin and sexual orientation. The Agency will not tolerate any 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 sexual harassment in which any of our employees are subjected to harassment 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 discrimination 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 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 or national origin.

Religious harassment is defined as religious slurs, jokes, comments or ridicule which is antagonistic towards one's religious beliefs, preferences or affiliation. It may also involve 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 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 is defined as actions or comments of a harassing or humiliating nature which target an employee's physical handicap or disability.

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

OCRRA EMPLOYEE'S HARASSMENT COMPLAINT REPORT FORM

Complete and submit to your supervisor, director, Personnel Analyst, or the Deputy Director.

- 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:

- | | |
|---|--|
| <input type="checkbox"/> age harassment | <input type="checkbox"/> disability harassment |
| <input type="checkbox"/> sexual harassment | <input type="checkbox"/> third-party sexual harassment |
| <input type="checkbox"/> racial harassment | <input type="checkbox"/> national origin harassment |
| <input type="checkbox"/> religious harassment | <input type="checkbox"/> sexual orientation harassment |

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 age, disability, sexual, religious, racial, national origin or sexual orientation harassment should report such conduct to his or her department head, supervisor or to the Deputy Director 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, the Personnel Analyst, or the Deputy Director 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 sexual 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.