

OFFICIAL POLICIES OF THE TOWN-VILLAGE OF HARRISON

Anti-Discrimination and Anti-Retaliation Policy

Prohibition of Discrimination and Harassment Based on Sex, Race, Religion, Color, Disability or National Origin

I. *Purpose*

The Town-Village of Harrison believes in upholding the dignity of individuals and recognizes the rights of all people to equal opportunities. In this regard, the Town-Village of Harrison has had a long standing policy of protecting and safeguarding the rights and opportunities of all individuals to seek, obtain, and hold employment without being subjected to harassment or illegal discrimination of any kind in the workplace. Harassment based on sex, race, religion, color, disability or national origin is illegal and can unreasonably interfere with an employee's work performance and/or create an intimidating, hostile or offensive working environment. It is also illegal to discriminate against employees or applicants because of genetic information.

To ensure that harassment will not be tolerated, the Town-Village of Harrison has adopted this policy and reminds all employees and volunteers that such behavior is absolutely unacceptable and may result in disciplinary action up to and including discharge.

II. *Harassment and Abusive or Disrespectful Conduct*

Harassment is any verbal or physical conduct that denigrates or shows hostility toward an individual because of his/her race, color, religion, gender, gender identity, national origin, age, sexual orientation, disability, or pregnancy and that for a reasonable person:

- 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 harassment include, but are not limited to, epithets, slurs, negative stereotyping or threatening, intimidating, or hostile acts, that relate to race, color, religion, gender, gender identity, national origin, age, sexual orientation, disability, pregnancy, or any display of written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the same. In some cases, harassment may include conduct that occurs while off-duty outside of the workplace.

Sexual harassment on the job is sex discrimination that violates Title VII of the Civil Rights Act of 1964 and is illegal. Sexual harassment can occur in many ways. It may involve unwelcome romantic or sexual advances, requests for sexual favors, visual materials, social media posts, comments about an individual's body, dress, displaying sexually revealing or derogatory pictures, posters, or cartoons, and/or physical contact of a sexual nature, regardless of gender or gender identity. Such conduct is a violation of this policy, even in instances where the offending employee or volunteer believed they were acting jokingly. A perpetrator of sexual harassment can include, but is not limited to, a superior, a subordinate, a coworker or others in the workplace including an independent contractor, volunteer, contract worker, or client.

The most obvious examples of sexual harassment involve physical behavior or physical contact. However, sexually harassing behavior does not always involve physical contact. This policy further includes, but is not limited to, the following forms of sexual harassment:

Verbal Harassment: Abusive verbal language related to an employee(s) or volunteer's sex, such as sexual innuendoes, sexual slurs, suggestive or derogatory or insulting comments or sounds, whistling, jokes of a sexual nature, sexual propositions or threats.

Non-Verbal Harassment: Abusive written language, such as showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering, or obscene gestures in the workplace.

Physical Harassment: Physical contact that is not welcome, including touching, grabbing, hugging, pinching, fondling, jostling, coerced sexual intercourse, assault or persistent brushing up against a person's body.

Abusive or Disrespectful Conduct is conduct or speech that is abusive or demeaning to an individual in a manner that is inappropriate in the workplace.

III. Anti-Genetic Information Discrimination Policy

The law forbids discrimination on the basis of genetic information when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment. Town-Village of Harrison employees may never use genetic information to make an employment decision because genetic information is not relevant to an individual's current ability to work.

Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history). Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future. Genetic information also includes an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

IV. Persons Covered by this Policy

All volunteers with or persons employed by the Town/Village, including but not limited to elected or appointed officials, department heads, supervisors, full and part-time employees, and all Harrison Fire Department firefighters (salaried and volunteer), regardless of gender, are expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur.

V. The Town/Village's Policy

The Town/Village strongly disapproves of and does not tolerate harassment, sexual harassment or abusive or disrespectful conduct, whether made verbally, in writing, electronically, via social media or by any other means. All employees and volunteers must avoid offensive, disrespectful or unprofessional behavior and are responsible for assuring that the workplace is free from such behavior at all times. Complaints of such behavior will be promptly and carefully investigated and all employees and volunteers are assured that they will be free from any and all reprisal or retaliation from filing such complaints.

Any violations of this policy will result in appropriate disciplinary action against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, demotion, the loss of employment, and/or the loss of volunteer opportunities and accompanying benefits.

VI. Reporting Harassment

Any employee applicant, or volunteer who believes that he or she has been the victim of harassment based on sex, race, religion, color, disability or national origin or who has witnessed anyone engaging in any of the prohibited activities identified in this policy should report the harassment to either the head of the employee's or volunteer's department, the

Mayor/Supervisor, or the Personnel Office without fear of reprisal. If the alleged source of the harassment is either the Mayor/Supervisor and/or a member of the Personnel Office, such complaint should be brought to the attention of the Law Department for the Town/Village of Harrison.

Complainants may make such a report by contacting:

Office of the Supervisor/Mayor
1 Heineman Place, Harrison, NY 10528
(914) 670-3005

Debra Scocchera, Personnel Manager
1 Heineman Place, Harrison, NY 10528
(914) 670-3087

Law Department
1 Heineman Place, Harrison, NY 10528
(914) 670-3090

Complaints may be made orally or in writing and will be kept in the strictest confidence. To ensure a timely and appropriate response by the Town-Village of Harrison, we encourage all employees applicants, and volunteers to report the harassment as soon as possible. Any written complaint shall be memorialized on a standard form (the "Complaint Form") and signed by the complainant as to its accuracy. Any oral complaint shall be promptly memorialized on the Complaint Form by the employee, individual, or entity who received the oral complaint. The Town-Village will do everything in its power to rectify the situation without delay. No one will be retaliated against or punished for reporting harassment or participating in a harassment investigation or lawsuit.

VII. *Harassment Policy*

In addition, any supervisor or manager who witnesses or learns of information that may constitute discrimination, harassment or retaliation in violation of this Policy must take prompt action to report the issue even if no complaint has been filed unless prohibited by local, state, or federal law. Failure to do so may result in disciplinary action, up to and including termination. All employees and volunteers are encouraged to immediately report any conduct that they reasonably believe may constitute discrimination, after witnessing or learning of such conduct.

If the Town/Village determines that an employee or volunteer has engaged in conduct in violation of this policy, the Town/Village will take prompt and appropriate action commensurate with the circumstance, up to and including termination of employment or volunteer status, against those who engaged in violations of this policy.

Every employee and volunteer shall have a duty to cooperate with any investigation by the Town/Village concerning potential harassment as appropriate under local, state, or federal law and other rules and regulations applicable to the employee. Failure to do so may result in disciplinary action. Additionally, every employee and volunteer has the duty to be truthful and must disclose all information known to the employee or volunteer when requested to do so by an appropriate person in the Town/Village to investigate an alleged incident. Failure to do so will result in appropriate disciplinary action.

Nothing in this section is intended to limit the rights of the employee or volunteer under local, state, or federal law.

VIII. Investigation Procedures

When a discrimination or harassment complaint is made or referred, the recipient of the complaint will provide the Complaint Form to a designated investigator ("Investigator") no later than five business days after receipt of the complaint to conduct objective fact-finding investigations into complaints of discrimination or retaliation.

After receiving a complaint, the Town/Village will consider whether: (1) to separate the complainant(s) and person(s) subject to investigation during the pendency of an investigation regarding discrimination, harassment, or retaliation; and (2) the potential placement of the person(s) who are the subject of a complaint on administrative duty or leave during the pendency of an investigation.

Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. The Investigator need not be the person to whom the complaint was made. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. The Investigator will: (1) interview relevant individuals and document such interviews in a narrative form; (2) gather and review relevant documents; (3) check whether prior complaints of a similar nature were made against the same individual during employment with the Town/Village; and (4) conduct investigations in a fair and impartial manner. The Investigator will make all efforts to keep the investigation confidential through the investigatory process as appropriate under local, state, and federal law. The Investigator shall timely evaluate the complaint in an impartial and fair manner, resolve the complaint and, if appropriate, promptly take or recommend to the proper authority appropriate disciplinary steps designed to stop harassment and to prevent its reoccurrence.

At the conclusion of an investigation, the Investigator shall: (a) memorialize the Investigator's findings and standards or criteria applied in a written report; and (b) provide the report on the complaint and the results of the investigation to the appropriate Human Resources personnel, the Town/Village's legal counsel, and, to the extent appropriate, the supervisor of the individual whose actions were complained of. The appropriately assigned individual shall also communicate in writing to the complaining party the final determination of the investigation, providing as much information regarding the final determination of the investigation as permitted under state, local, and federal law. Human resources personnel will discuss the completed investigation report with the investigator, and shall determine if corrective action is appropriate.

Employees who believe they have been unjustly charged with harassment will be afforded every opportunity to offer and present information in their defense. Such information will also remain confidential as appropriate under local, state, and federal law.

An employee who participates in this procedure may do so without fear of retaliation. Retaliation against an employee who has filed a complaint of discrimination or harassment is illegal and may result in disciplinary action. Retaliation shall be defined as, at minimum, any action that might deter a reasonable person from asserting rights protected by equal employment opportunity laws because that person has engaged in protected activity under Title VII. Intimidation, coercion, threats, reprisals or discrimination against any employee complaining about harassment is prohibited. This Policy strictly prohibits retaliation against an individual who has engaged in protected activity such as opposing any practice made unlawful by Title VII; filing a charge with the Equal Employment Opportunity Commission or the New York State Division of Human Rights; or testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under Title VII. Retaliation will be treated with the same strict discipline as the City treats prohibited harassment or discrimination.

The Town/Village, by and through its officials, agents, employees, and all other persons in active concert or participation with the Town/Village, shall not threaten to retaliate against, or retaliate against, or take any action that might deter a reasonable person from asserting rights protected by equal employment opportunity laws because that person has engaged in protected activity such as opposing any practice made unlawful by Title VII; filing a charge with the Equal Employment Opportunity Commission or the New York State Division of Human Rights; or testifying, or assisting or participating in any manner in an investigation, proceeding, or hearing under Title VII.

Any employee who believes that they have been a victim of retaliation should report the retaliation to either the head of the employee's or volunteer's department, the Mayor/Supervisor, or the Personnel Office, without fear of reprisal.

Whether an employee participates in this procedure or not, each employee will keep all rights, including the right to file a grievance through their union, or to file a claim with the State Division of Human Rights and/or the Equal Employment Opportunity Commission, or take any other action they deem available.

This policy shall be disseminated to all departments, agencies, boards, committees, and commissions of the Town-Village and a copy provided to each employee. This policy shall also be posted in Town Hall, at the Harrison Fire Department firehouse, and at all Town places of employment. All employees shall familiarize themselves with this policy and its procedures.

IX. *Additional Resources for Filing Harassment Complaints*

In addition to internal reporting methods described in this policy, employees have the right to file charges of unlawful discrimination or harassment with the government agencies listed below.

U.S. Equal Employment Opportunity Commission (EEOC)

New York District Office

33 Whitehall Street, Fifth Floor

[1-800-669-4000](tel:1-800-669-4000)

<https://publicportal.eeoc.gov/Portal/Login.aspx>

New York State Division on Human Rights

One Fordham Plaza, 4th Floor

Bronx, NY 10458

[1-888-392-3644](tel:1-888-392-3644)

<https://dhr.ny.gov/complaint#file-a-complaint>

