



**ADMINISTRATIVE MEMORANDUM  
POLICIES AND PROCEDURES**

**County of Jefferson Board of Legislators**

**Office of the County Administrator**

Section: Human Resources

Issued: 5/00

Subsection: 3.06

Subsection: Non-Discrimination / Anti- Harassment

Revised: 3/13

## **Non-Discrimination/Anti-Harassment Policy**

### **Policy Statement:**

Jefferson County is committed to a working environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, Jefferson County expects that all decisions and relationships among employees will be free of unlawful bias, prejudice and harassment.

Illegal discrimination includes any type of action or behavior based on a person's sex, sexual orientation, predisposing genetic characteristics, race, color, national origin, age, religion, creed, marital status, military status, or disability, including pregnancy, or is otherwise a violation of any provisions of the Civil Rights Act of 1964, including Title VII; the Age Discrimination Act of 1975; The Americans with Disabilities Act of 1990; and the New York State Division of Human Rights Laws.

### **Applicability:**

This policy applies to all elected officials and employees of Jefferson County, individuals doing business with the County and any person utilizing County Facilities.

### **The County's Response:**

The County will actively work to prevent and eliminate discrimination and harassment and will respond promptly to deal with any incidents. This response may include, but is not limited to: training, counseling and/or disciplinary action in accordance with the appropriate collective bargaining agreement.

### **Examples of Discriminatory or Harassing Conduct:**

- Discrimination in the provision of employment opportunities, benefits or privileges.
- Verbal or physical conduct designed to threaten, intimidate, or coerce. This may include verbal taunting (including racial and ethnic slurs or negative stereotyping) or physical actions which impairs the employee's ability to perform his or her job or interferes with the employee's work performance.
- Distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of protected status.

### **Sexual Harassment is a type of harassment and falls into the following categories:**

1. **"Quid pro quo"** harassment, where submission to harassment is used as a basis for employment decisions or advancement. (Wherein promotions, raises, better working hours, grades, special accommodations, etc., are linked to compliance with sexual advances.) Therefore, only someone in a supervisory capacity or authority to grant such benefits can engage in "quid pro quo" harassment.
2. **"Hostile work environment,"** where the harassment creates an offensive and unpleasant working environment, inclusive of anyone affected by the offensive conduct.

### **Examples of Sexual Harassment are:**

- Vulgar or lewd comments or jokes
- Unwelcome, repeated demands or requests for dates
- Promise or provision of promotions, raises, better working hours, special accommodations based on compliance with sexual advances or harassment.
- Unwanted and unwelcome touching

The law and this policy prohibit men harassing women, women harassing men, women harassing women, and men harassing men. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.

### **Procedures:**

1. Department Heads and Supervisors play a critical role in prevention and correction. All supervisory personnel are responsible for:
  - ✓ Discouraging discrimination and harassment
  - ✓ Ensuring compliance with this policy
  - ✓ Properly responding and reporting discrimination and harassment complaints

2. All employees of Jefferson County are responsible to notify their supervisor, Department Head, or the Director of Human Resources immediately regarding incidents of discrimination or harassment.
3. Supervisory personnel may seek to resolve complaints through an informal process. The ability to resolve the complaint informally depends on the circumstances and the severity of the situation.
4. If the employee believes that informal resolution of the matter is not appropriate or believes that an attempt at informal resolution was ineffective, the employee shall make a formal written complaint to:

Director of Human Resources  
Jefferson County Office Building, 2<sup>nd</sup> floor  
175 Arsenal Street  
Watertown, NY 13601

The Director of Human Resources will investigate all formal written complaints and forward the findings along with a recommendation to the Department Head. The Department Head will take the appropriate action, including discipline if necessary, in accordance with the appropriate collective bargaining agreement.

**Confidentiality:**

All inquiries, complaints, and investigations are treated with sensitivity, seriousness, and confidentiality except as is reasonably necessary to investigate and remedy the matter.

**Retaliation:**

Threats or other forms of intimidation and retaliation against a complainant or any other party reporting or acting pursuant to this policy are violations of the policy and constitutes grounds for disciplinary action. Knowingly making a false report impedes the effectiveness of this policy and constitutes grounds for disciplinary action.

**REFERENCES:**

1. Jefferson County Board of Legislators' Resolution No. 133, 2000.
2. Title VII Civil Rights Act of 1964.
3. Civil Rights Act of 1991.
4. New York State Executive Law §290 et seq.

