SUBJECT: TOWN POLICY AGAINST UNLAWFUL HARASSMENT AND DISCRIMINATION

1. PURPOSE. It is the Policy of the Town of Islip ("the Town") that all employees, elected and appointed officials, and applicants, as well as everyone with whom the Town does business (*e.g.*, outside vendors, consultants, members of the public, contractors), should be able to enjoy a work environment free from discrimination and harassment based on race, color, creed, sex, age, sexual orientation, disability, religion, national origin, marital status, military or veteran status, political affiliation or any other basis protected by federal, state or local law.

I. Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or visual, verbal or physical conduct of a sexual nature when:

Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting such individuals; or

Such conduct has the purpose or effect of interfering unreasonably with the individual's work performance or creating an intimidating, hostile or offensive work environment that is, or would be, offensive to a person of reasonable sensitivity and sensibilities.

This definition includes many forms of offensive behavior. It makes no difference if the harassment is "just joking" or "teasing" or "playful." The following is a partial, non-exhaustive list of examples of sexually harassing conduct:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct such as leering; making sexual gestures; or displaying sexually suggestive or degrading objects, pictures, cartoons, posters, or computer or television broadcasts.
- Verbal conduct such as making or using derogatory comments; sexual propositions, sexually explicit jokes or jokes concerning gender-specific traits; sexually explicit comments about an individual's body or clothing; comments about an individual's sexual desirability; sexually degrading words to describe an individual; suggestive or obscene letters, notes or invitations; or playing radio or television broadcasts in the workplace that contain sexually suggestive or degrading conversation.
- Physical conduct such as touching, petting, pinching, impeding or blocking movements, or assault.

- Retaliation for reporting harassment or threatening to report harassment.

- It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful, whether it involves co-worker harassment, harassment by a supervisor or member of management, or harassment by persons doing business with or for the Town.

II. Other Forms of Harassment

Harassment on the basis of an employee's race, color, creed, sex, age, sexual orientation, disability, religion, national origin, marital status, military or veteran status, political affiliation or any other characteristic protected by Federal, State or Local law is strictly prohibited. As is the case with sexual harassment, it makes no difference if the harassment is "just joking" or "teasing" or "playful." The following is a partial, non-exhaustive list of examples of prohibited harassing conduct:

- Visual conduct such as derogatory posters, photographs, cartoons, drawings, gestures, or computer or television broadcasts.

- Verbal conduct such as racist, ethnic or religious jokes, or derogatory comments, slurs, innuendoes, epithets or threats (including those uttered over a telephone, cell phone or radio), as well as such verbal conduct related to age, creed, color, marital status, military or veteran status, or political affiliation, sexual orientation or disability.

- Physical conduct such as touching, blocking movements or assault.

- Retaliation for reporting harassment or threatening to report harassment.

III. Discrimination Other Than Harassment

Discrimination in discipline, job assignments, promotions and/or any other terms and conditions of employment based upon an employee's race, color, creed, sex, age, sexual orientation, disability, religion, national origin, marital status, military or veteran status, political affiliation or any other characteristic protected by Federal, State or Local law is also prohibited. Conduct that violates this policy will not be tolerated.

Any employee who believes that he or she has been discriminated against on any of these bases, or believes he or she has been discriminated against for making a complaint of discrimination, should report such alleged discrimination or retaliation pursuant to the Complaint Procedure below.

IV. Complaint Procedure

The Town's complaint procedure provides for a prompt, thorough and objective investigation of any claim of harassment or discrimination. Appropriate disciplinary action or other appropriate action will be taken against the employee, elected or appointed official, any one who does business with the Town, and members of the public found to have engaged in prohibited harassment or discrimination, and appropriate remedies for any victim of harassment or discrimination.

Every employee, supervisor, manager, Division Head, Commissioner and Elected and Appointed Official is responsible for maintaining a workplace free from harassment and discrimination. Accordingly, any employee who believes the actions or words of a co-worker, supervisor, manager, Division Head, Commissioner and/or Elected or Appointed

Official, individual with whom the Town is doing business or member of the public has harassed or discriminated against him/her should take the following actions:

Promptly report the incident to his/her Commissioner, the Town Supervisor, Deputy Town Supervisor, the Town Attorney and/or the Director, Labor Relations & Personnel. This may be done either verbally or in writing. The individual reporting the harassment or discrimination may report such conduct to any of the above individuals he/she chooses.

It is strongly encouraged, but not required, that an employee file a written complaint (Form A). The complaint should be as detailed as possible and include the names of the individuals involved, witnesses, direct quotes and/or other evidence (*i.e.*, notes, e-mails, etc.).

All incidents of harassment or discrimination will be promptly investigated and handled as discreetly as possible. The Town is legally responsible for investigating any case of alleged or suspected harassment or discrimination, even if the victim makes no complaint but the Town learns of it through another source or the harassed employee does not want the matter pursued. The Office of Labor Relations and Personnel and/or other officials as designated by the Supervisor, in consultation with the Office of the Town Attorney, will be responsible to investigate complaints of discrimination and/or harassment. The accused shall be afforded an opportunity to present his or her version of events in the presence of a union representative or attorney where required by law. All individuals are required to cooperate with the Town in fulfilling its investigative function.

All complaints of harassment and/or discrimination and the investigation of such complaint(s) are confidential to the maximum extent consistent with law and the Town's obligations to conduct a thorough investigation.

If the investigation concludes that the accused is guilty of harassment or discrimination, corrective action will be taken in a timely manner and appropriate measures will be taken to deter any future harassment. Appropriate disciplinary action will be taken in accordance with applicable law, which may include termination. Once a determination has been made, it will be communicated to the employee who complained, as well as to the accused harasser.

Retaliation of any kind against an employee who makes a good faith report of harassment and/or discrimination or who participates in an investigation into a harassment and/or discrimination complaint is strictly prohibited. Follow-up interview(s) with the complainant will be conducted for an appropriate period of time to ensure that the harassment or discrimination has not resumed and that no retaliatory action has been taken.

5. <u>Distribution of Policy:</u>

All employees will be given a copy of this policy and will be required to sign a confirmation receipt.

TOWN OF ISLIP
OFFICE OF LABOR RELATIONS

Incident Report Form for
Workplace Violence, Harassment and/or Discrimination

Complainant Information

Last Name: _____ First Name: _____
Department: _____ Phone No.: _____
Date(s) of Incident(s): _____ Time(s) of Incident(s): _____

Charged Person(s):

Last Name: _____ First Name: _____
Last Name: _____ First Name: _____

Description of Incident(s):

_____
_____
_____

Name of Witness(es) or those providing assistance:

Last Name: _____ First Name: _____
Last Name: _____ First Name: _____

Specify if Witness was a: Co-worker Client Supervisor
Member of the Public Other (*please explain*): _____

Respondent Information

Last Name: _____ First Name: _____

Specify if Respondent was a: Co-worker Client Supervisor
Member of the Public Other (*please explain*): _____

Complainant Signature: _____ Date: _____

Complaint Received by: _____ Date: _____
Department: _____ Title: _____

*****Attach additional sheets if necessary***

SUBJECT: WORKPLACE VIOLENCE POLICY

1. Purpose: It is the policy of the Town of Islip ("the Town") that all employees, elected and appointed officials, and applicants, as well as everyone with whom the Town does business (e.g. outside vendors, consultants, members of the public, contractors, etc.), should enjoy a work environment that is free from workplace violence, or the threat of violence, including intimidation, by any of its employees, customers, the general public, and/or anyone who conducts business with the Town. The Town maintains a zero tolerance toward workplace violence. Each employee is entitled to a safe and secure work environment.

2. Scope: Workplace Violence includes, but is not limited to harassment, threats, verbal abuse, physical attacks, or property damage. A threat is the expression of an intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future. Physical attack is intentional hostile physical contact with another person such as hitting, fighting, pushing, shoving, or throwing objects. Property damage is intentional damage to property which includes property owned by the Town, employees, or others.

3. Introduction: The Town subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the actions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

Each incident of violent behavior, whether the incident is committed by another employee or someone who does business with the Town (e.g. outside vendors, consultants, general public, contractors, etc.), must be reported to the Commissioner, department head or other department management or supervision. Management will assess and investigate the incident and determine the appropriate action to be taken. Department management will inform the Town's Safety Officer or the Office of Labor Relations and Personnel of all reported incidents of workplace violence and will inform the employee of their right to have the Suffolk County Police Department notified.

4. Notifications: In incidents in which serious threat or injury occurs, emergency responders such as Police, Fire and/or Ambulance personnel must he promptly notified.

5. Responsibility: The Management Response Team is responsible for establishing the protocol in the event of a threat or violent incident that may include, but is not limited to:

a. The Office of Labor Relations and Personnel and/or other officials as designated by the Supervisor, in consultation with the Office of the Town Attorney, will be responsible to investigate incidents of workplace violence.
b. Evaluating the potential violence problem.
c. Assessing an employee's fitness-for-duty (through physical and mental health professionals).
d. Establishing a plan for the protection of co-workers and other potential targets.
e. Coordinating with affected parties such as victims, families, employees, media, or law enforcement personnel. Referring victims to appropriate

assistance and community service programs.

f. Assuring that immediate (within 24 hours) and on-going counseling is available to traumatized individuals.

6. Non-Retaliation: Any employee who acts in good faith by reporting real, or implied violent behavior, will not be subject to any retaliation or harassment by fellow employees or someone who does business with the Town. Any action of this type resulting from a report of violence must be reported to the appropriate management staff for investigation and decision regarding proper action.

7. Protective or Restraining Orders: Employees have an affirmative obligation to notify their Commissioner or department head or department management or supervision of any order of protection about individuals who have been ordered legally to stay away from any Town employee or Town location. Any employee who applies for or obtains an order of protection or restraining order shall provide in confidence, their Commissioner or department head with appropriate documentation.

8. Training: Initial training for this policy will be conducted by Safety Office Trainers and/or the Office of Labor Relations and Personnel. Subsequently, Office of Safety in conjunction with the Offices of Labor Relations and Personnel will orient all new employees to the procedures regarding reporting incidents of violence, what to do if the employee is threatened and/or if an incident of violence actually takes place, and dealing with the after effects of an act of violence. The Safety Office will be a training resource for this training.

9. Zero Tolerance- Reporting an Incident: It is a violation of this policy to engage in any act of workplace violence. Any employee who has been determined by lawful authority to be in violation of this policy will be subject to disciplinary action up to and including termination and, depending upon the violent act, may be subject to criminal sanctions.

Should an employee become the victim of an incident of workplace violence, they may be offered additional referral services to assist in coping with any effects of the incident. Should an employee commit an act of violence and it is determined in the investigation that the employee did, in fact, commit the violent act, he/she may be referred to the EAP. In these cases, failure by the employee to keep an initial appointment with the EAP may result in disciplinary action up to and including termination.

10. Distribution: All employees will be given a copy of this policy and will be required to sign a confirmation receipt.

TOWN OF ISLIP
OFFICE OF LABOR RELATIONS

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Complainant Information

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Department: _____ Phone No.: _____
Date(s) of Incident(s): _____ Time(s) of Incident(s): _____

Charged Person(s):

Last Name: _____ First Name: _____
Last Name: _____ First Name: _____

Description of Incident(s):

_____

_____

_____

Name of Witness(es) or those providing assistance:

Last Name: _____ First Name: _____
Last Name: _____ First Name: _____

Specify if Witness was a: Co-worker Client Supervisor

Member of the Public Other (*please explain*): _____

Respondent Information

Last Name: _____ First Name: _____

Specify if Respondent was a: Co-worker Client Supervisor
Member of the Public Other (*please explain*): _____

Complainant Signature: _____ Date: _____

Complaint Received by: _____ Date: _____
Department: _____ Title: _____

*****Attach additional sheets if necessary***