
TOWN OF UNION EMPLOYEE HANDBOOK

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905 ***Fair Treatment***

Policy Statement - It is the policy of the Town to treat all employees with fairness, respect, and dignity. The Town will not tolerate harassment or discrimination of any kind in the workplace.

Notification of Policy Violations - An employee should immediately report any kind of harassment or discrimination in the workplace to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported to the Human Resources Director. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports harassment or discrimination in the workplace will not suffer adverse employment consequences as a result of making the complaint.

Disciplinary Action - Any employee, Supervisor, or Department Head who, after investigation, is found to have violated the Fair Treatment Policy will be subject to appropriate disciplinary action in accordance with applicable disciplinary procedures.

906 ***Sexual Harassment***

Policy Statement - It is the policy of the Town of Union to promote a productive work environment. As with discrimination involving race, color, national origin, religion, disability, age, marital status, or military status, the Town of Union prohibits sex discrimination, including sexual harassment of its employees in any form. No form of harassment will be tolerated. The Town will take all steps necessary to prevent and stop the occurrence of sexual harassment in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting and resolving promptly, complaints of sexual harassment without any risk of repercussion to a complaining employee for filing a complaint of sexual harassment in good faith.

Applicability of Policy - This policy applies to all Town employees and Elected Officials regardless of supervisory level, whether employed full or part-time, temporary or seasonal, whether elected or appointed and regardless of compensation level, and all personnel in a contractual relationship with the Town. Depending on the extent of the Town's exercise of control, this policy may be applied to the conduct of non-Town employees with respect to sexual harassment of Town employees in the workplace.

Supervisory Responsibility - Department Heads and supervisory personnel are responsible for ensuring a work environment free from unsolicited, unwelcome and intimidating sexual overtures. Supervisors must take immediate and appropriate corrective action, when instances of sexual harassment come to their attention, to assure compliance with this policy.

Definition of Sexual Harassment - Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; -OR-
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual; -OR-
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment refers to behavior that is not welcome, that is personally and objectively offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with an employees' work performance and/or effectiveness or creates an intimidating, hostile or offensive working environment. Exposure to such conduct that serves to alter the terms and conditions of employment is prohibited by this policy and state and federal law.

Forms of Sexual Harassment - Specific forms of behavior that the Town of Union considers sexual harassment and which are prohibited include, but are not limited to, the following:

- Verbal harassment of a sexual nature related to an employee's gender, including sexual innuendoes, slurs, sexual slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.
- Sexually oriented comments about an employee's body that are unwelcome and/or unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment.
- Any sexual advance that is unwelcome or any demand for sexual favors.
- Sexually suggestive written, recorded or electronically transmitted material, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.
- Physical contact of any kind, which is not welcome, including touching, grabbing, hugging, fondling, jostling, petting, pinching, coerced sexual intercourse or sexual relations, assault or intentional brushing up against a person's body.

Reporting of Sexual Harassment - Employees are encouraged to report incidents of sexual harassment to the Human Resources Director or any Department Head as soon as possible after their occurrence. Employees who believe they have been sexually harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact the Human Resources Director or any Department Head. Employees who work second and third shifts are encouraged to contact the Human Resources Director or any Department Head at home if these individuals do not work during the employee's shift.

Confidentiality - Complaints of harassment will be handled and investigated promptly and in as impartial and confidential a manner as possible. In no event will information concerning a complaint be released by the Town to third parties or to anyone within Town employment who is not directly involved in the investigation of the complaint unless otherwise required by law.

Investigation of Complaint – Generally, investigation of a complaint will be conducted by the Town Attorney or his/her deputy and will normally include conferring with the parties involved and any named or apparent witnesses. 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. Resulting recommendations will be made to the Employees' Committee of the Town Board for comment and concurrence.

Investigation Inconclusive – In the event that a thorough investigation of an alleged incident of sexual harassment reveals that an employee has not engaged in any actions or conduct constituting sexual harassment, management will inform both the employee and the complaining party that a thorough investigation has been conducted and there exists no grounds or basis to substantiate the alleged sexual harassment.

Appeal – Should either the complainant or alleged offender be dissatisfied with the findings or actions resulting from an allegation of sexual harassment, that individual may further discuss the issues with the Employees' Committee of the Town Board who may reconsider the situation and render a final decision in light of the appeal.

Employee Defense – Any employee charged with sexual harassment will be afforded a full and fair opportunity to offer and present information in the employee's defense. Such information will be confidential to the extent possible.

Employee Rights - Nothing in this policy should be construed as in any way limiting employees' rights to use the Dispute Resolution Procedure as described in this Employee Handbook or the Grievance Procedure contained in the collective bargaining agreement.

Disciplinary Action - Any employee or official who is found to have committed an act of sexual harassment will be subject to disciplinary action, up to and including termination of employment, as provided by Town operating procedures.

Prohibition Against Retaliation - Intimidation, coercion, threats, reprisal or discrimination against any employee who in good faith brings a written or verbal sexual harassment complaint or who assists or aids in the investigation of such a complaint is prohibited. Any employee who participates in the procedure may do so without fear of retaliation. Retaliation against any employee who has filed a sex discrimination or sexual harassment complaint is illegal and may result in disciplinary action.

907 **Smoking**

Policy Statement - Smoking is prohibited throughout the facilities except in designated areas identified by "smoking permitted" signs.

Prohibited Areas - Smoking is prohibited in:

- any indoor, enclosed work area occupied by more than one person, unless all employees in such area agree to allow smoking. The rights of a non-smoker to a smoke-free work area shall prevail.
- all employee restrooms, elevators, hallways, and areas containing office equipment used in common.
- conference or meeting rooms and municipal vehicles used by more than one person, unless all occupants agree to allow smoking.

Designated Smoking Areas - The Town of Union may designate a smoking area, upon request, if space is available. Employee lounges will contain non-smoking areas large enough to meet demand. If it is physically impossible for the Town of Union to designate an area of smoking within an employee lounge, there shall be no smoking throughout the lounge. Conflicts should be brought to the attention of an employee's Department Head. Employees may also file a formal complaint with the Human Resources Director.

Disciplinary Action - Employees found smoking outside of designated smoking areas, if any, will be considered in violation of this policy and shall be subject to disciplinary action in accordance with applicable disciplinary procedures. Copies of these rules will be posted and distributed to all employees and to all prospective employees upon request. The Human Resources Director shall be designated as agent to assist in the enforcement of this policy by notifying any employee who may be in violation of this policy.