



ADMINISTRATIVE MEMORANDUM POLICY AND PROCEDURES

County of Jefferson Board of Supervisors Office of County Administrator

Section: PERSONNEL **Issued:** 12/89 **Subsection:** 3.03
Subsection: Drug Free Workplace **Revised:** **Page:** 1

POLICY:

Jefferson County shall maintain a drug-free and alcohol-free workplace. The unlawful use, possession, manufacture, dispensing, or distribution of controlled substances or the use of alcoholic beverages by a County employee in the workplace is prohibited. As a condition of employment, County employees are required to abide by the terms of this policy.

REQUIREMENTS:

1. A. Employees shall notify their department head of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
B. In the event that an employee so convicted is employed in a position funded by a federal grant, the department head shall notify the federal grantor agency of such conviction within ten days from the date that the employee has provided notice or the department head has otherwise become aware of such conviction.
C. Within thirty days of receiving notice of or becoming aware of such conviction, the department head shall initiate appropriate personnel action against such employee, up to and including termination and/or requiring such employee to participate satisfactorily in a drug abuse or alcohol abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency. Each case requiring personnel action shall be considered and evaluated on its own merits and, where applicable, the action shall be consistent with the terms of existing collective bargaining agreements.
2. The Director of Personnel and the Director of Community Services shall cooperatively develop and implement a drug-free and alcohol-free awareness program to inform employees about:
 - A. The dangers of drug and alcohol abuse in the workplace.
 - B. The County's policy of maintaining a drug-free and alcohol-free workplace.
 - C. Any available drug and alcohol counseling and rehabilitation programs.
 - D. The penalties that may be imposed upon employees for drug abuse and alcohol abuse violations occurring in the workplace.
3. All County employees shall be made aware of and provided a copy of this policy.
4. Instances of failure to comply with this policy shall be reported to the County Administrator. The County Administrator shall keep the Board Chairman and jurisdictional committee of the Board apprised of non-compliance and initiate appropriate corrective action. Any question relative to the intent of this policy shall be subject to a determination of the appropriate jurisdictional committee of the Board or the Board of Supervisors if necessary.

REFERENCES:

1. Jefferson County Board of Supervisors Resolution No. 352, 1989
2. Drug-Free Work Place Act, Public Law 100-690, Title V, Subtitle D

EFFECTIVE: Immediately

ISSUED: November 21, 1989

James W. Wright
County Administrator

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

REQUESTING LEAVE

EMPLOYER RESPONSIBILITIES

ENFORCEMENT

For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division





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 Non-Discrimination/Anti-Harassment

Revised: 3/13, 11/18

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.

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, 2nd 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 of 2000.
Jefferson County Board of Legislators' Resolution No. 69 of 2013
Jefferson County Board of Legislators' Resolution No. 215 of 2018
2. Title VII Civil Rights Act of 1964.
3. Civil Rights Act of 1991.
4. New York State Executive Law §290 et seq.

ISSUED: May, 2000

REVISED: March 5, 2013, November 13, 2018

Robert F. Hagemann, III
County Administrator



ADMINISTRATIVE MEMORANDUM POLICIES AND PROCEDURES

County of Jefferson Board of Legislators Office of the County Administrator

Section: HUMAN RESOURCES

Issued: 11/13/2018

Subsection: 3.09 Sexual Harassment

Revised:

Introduction:

Jefferson County is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Jefferson County's commitment to a discrimination-free work environment. Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Jefferson County. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. Jefferson County's Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Jefferson County. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Jefferson County will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Jefferson County who retaliates against anyone involved in a sexual harassment investigation will be subject to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees¹ working in the workplace who believe they have been subject to such retaliation should inform a supervisor or Department Head. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums,

¹

A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Jefferson County to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including Department Heads and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.
5. Jefferson County will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Jefferson County will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including Department Heads and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. Jefferson County will provide all employees a complaint form for employees to report harassment and file complaints.
7. Department Heads and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of to:

Director of Human Resources
Jefferson County Department of Human Resources
175 Arsenal St.
Watertown, NY 13601
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable and be provided to employees upon hiring.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employees' body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.

- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people’s ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
 - Sabotaging an individual’s work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or Department Head of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. Jefferson County cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, Department Head or Director of Human Resources. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, Department Head or Director of Human Resources.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All Department Heads and supervisors who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Director of Human Resources.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and Department Head will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and Department Heads will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Jefferson County will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, Director of Human Resources or another individual designated by the County Administrator, will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;

- A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective actions.
- Keep the written documentation and associated documents in a secure and confidential location.
 - Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written documentation.
 - Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by Jefferson County but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Jefferson County, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court. There is no cost to file a complaint with DHR.

Complaining internally to Jefferson County does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza,

Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov. For more information about filing a complaint contact DHR at (888) 392-3644 or visit www.dhr.ny.gov/complaint.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties.

The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669- 4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at: info@eeoc.gov.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

REFERENCE:

Jefferson County Board of Legislators Resolution No 216 of 2018

FORMS: Sexual Harassment Complaint Form

ISSUED: November 13, 2018

Robert F. Hagemann, III
County Administrator

Jefferson County

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for employees to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Jefferson County Department of Human Resources. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____

Work Address: _____

Work Phone: _____

Job Title: _____ Email: _____

Select Preferred Communication Method: Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____

Title: _____

Work Phone: _____ Work Address: _____

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name: _____ Title: _____

Work Address: _____ Work Phone: _____

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheet of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

I certify that the information I have provided in this form is true and correct to the best of my knowledge and belief.

Signature: _____

Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, you must follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made of the final determination (this may be done via email) and implement any corrective actions identified in the written documentation.

Sexual Harassment Prevention Policy Notice



Combating
Sexual Harassment

Sexual harassment is against the law.

All employees have a legal right to a workplace free from sexual harassment, and Jefferson County is committed to maintaining a workplace free from sexual harassment.

Per New York State Law, Jefferson County has a sexual harassment prevention policy in place that protects you. This policy applies to all employees, paid or unpaid interns and non-employees in our workplace, regardless of immigration status.

If you believe you have been subjected to or witnessed sexual harassment, you are encouraged to report the harassment to a supervisor, Department Head or Director of Human Resources so we can take action.

Our complete policy may be found: www.co.jefferson.ny.us/departments/humanresources

Our Complaint Form may be found: www.co.jefferson.ny.us/departments/humanresources

If you have questions and to make a complaint, please contact:

**Jefferson County Department of Human Resources
175 Arsenal St.
Watertown, NY 13601
315-785-3147**

For more information and additional resources, please visit:

www.ny.gov/programs/combating-sexual-harassment-workplace



ADMINISTRATIVE MEMORANDUM POLICY AND PROCEDURES

County of Jefferson Board of Legislators Office of County Administrator

Section: PERSONNEL

Issued: 4/90

Subsection: 3:04

Subsection: Smoking Regulations

Revised: 1/03

Page: 1

POLICY:

In the interest of providing a safe and healthy environment for Jefferson County employees and visitors utilizing Jefferson County facilities, and in accordance with the provisions of state legislation, smoking is prohibited throughout facilities owned and operated by the County of Jefferson except in designated and identified smoking permitted areas.

REQUIREMENTS:

1. Smoking is defined as having a lighted cigarette, pipe, or other smoking material.
2. The preference of a non-smoker to smoke free air will prevail over an individual's preference to smoke.
3. Smoking is prohibited in corridors, restrooms, or on stairways; on elevators, in office lobbies, waiting rooms, meeting rooms, conference rooms, assembly spaces, private enclosed offices, enclosed or common work areas occupied by more than one person, classrooms, and areas containing equipment used by employees in common (i.e., copier and computer).
4. The County shall designate "smoking permitted areas" outside of County facilities. All designated smoking areas will be clearly marked and equipped with adequate ash receptacles.
5. Smoking shall be prohibited in vehicles, owned or leased, by the County of Jefferson.
6. The Director of Public Health shall develop and implement smoking awareness and cessation programs to inform and assist County employees. Release time and County sponsorship will be provided to encourage participation in County cessation programs.
7. Smoking shall be prohibited within 20 feet of properly posted "no smoking" signs. Signs shall be posted at all main entrances and exits to County buildings. All outdoor areas where smoking is prohibited shall be clearly marked with "no smoking" signs, utilizing the international "no smoking" symbol.
8. All County employees shall be made aware of and provided a copy of this policy.
9. This policy in no way shall alter any articles currently contained in collective bargaining agreements with any of the recognized Jefferson County employee organizations.

PROCEDURES:

1. Department heads shall be responsible for the enforcement and compliance with this policy within their departmental work areas.
2. It is the department head's responsibility to ensure their employees are aware of smoking restrictions, resolve conflicts involving smoking, and uphold the non-smokers reasonable objections if problems cannot be resolved.
3. The Buildings Department Security personnel shall be responsible for enforcement and compliance within all publicly accessible areas throughout the County buildings.
4. The Building Superintendent shall be responsible for the designation and signing of all "no smoking" and "smoking permitted" areas.
5. Any questions or complaints concerning the implementations of this policy should be reviewed with the department head. If unresolved, it should be referred in writing to the Office of the County Administrator.
6. Instances of failure to comply with this policy shall be reported to the County Administrator. The County Administrator shall keep the Board Chairman and jurisdictional committee of the Board apprised of non-compliance and initiate appropriate corrective action.

REFERENCES:

1. New York State Public Health Law Article 13-E
2. Jefferson County Board of Supervisors Resolution No. 73
3. Jefferson County Board of Legislators Resolution No. ___ of 2002

EFFECTIVE: January 1, 2003

ISSUED: 4/90

James W. Wright
County Administrator

REVISED: 1/03

Robert F. Hagemann, III
County Administrator