

### **§ 51-1. Findings and purpose.**

- A. All employees of the Town of New Lebanon should be able to enjoy a work environment free from all forms of discrimination, including sexual harassment.
- B. Sexual harassment is a form of misconduct that undermines the integrity of the employee relationship. No employee, either male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical in nature, by any coworker, supervisor or nonemployee.
- C. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive to the recipient, that lowers morale and, therefore, that interferes with work effectiveness.

### **§ 51-2. Employee/management responsibilities.**

- A. Each department head as well as all employees of the Town of New Lebanon have a responsibility to maintain the workplace free of sexual harassment. This responsibility includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative sexual treatment. Department heads and/or the Town Board will take appropriate steps to resolve employee complaints in a fair, expeditious, and confidential manner whenever they become aware of potential violations of this policy.
- B. Any individual found to have engaged in sexual harassment will be subject to discipline, up to and including termination.
- C. Each employee is expected to uphold these standards, to utilize established complaint resolution guidelines and to maintain confidentiality in matters that are under review and investigation. False accusations made by an employee against another individual will result in appropriate disciplinary action up to and including termination.

### **§ 51-3. Statement of policy.**

- A. Definition. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive to the recipient, that lowers morale and, therefore, that interferes with work effectiveness.

- B. Specifically, no person shall threaten or insinuate, either verbally, physically, explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development. In addition, no employee, male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical in nature.

**§ 51-4. Outside vendors.**

Further, no employee shall be subjected to unsolicited or unwelcome sexual overtures or conduct, either verbal or physical in nature, from any nonemployee with whom the employee may come in contact while representing the Town of New Lebanon in any capacity. It is the duty of department heads to monitor such interactions when possible and to respond to employee complaints regarding such behavior.

**§ 51-5. Retaliation.**

The Town of New Lebanon will not condone or tolerate retaliation by any town employee against a coworker for making a complaint concerning sexual harassment; this type of intimidation will be dealt with severely.

**§ 51-6. Harassment outside the workplace.**

Sexual harassment, directly relating to one's employment, shall be subject to disciplinary action even when committed during nonbusiness hours.

**§ 51-7. Employee procedure for filing a charge of sexual harassment.**

- A. Any employee who wishes to file a sexual harassment charge should do so in writing as soon as possible after the alleged incident. In order to facilitate competent and complete investigation of any charges, the town encourages each employee to immediately report any alleged case of sexual harassment.
- B. The employee shall ask for a private meeting with one or more of the following:
- (1) Department head.
  - (2) Town Supervisor.
  - (3) Town Board.

- C. If the private meeting is with the department head or the Town Supervisor, then the department head or Town Supervisor shall provide a report of circumstances of the matter to the Town Board in executive session.
- D. The Town Board shall take such appropriate action as it deems necessary to adequately address the complaint, and shall conduct an investigation of the matter unless such investigation is clearly not warranted.
- E. If the person against whom such complaint has been made is a department head, Town Supervisor or Town Board member, then such person shall not take part in the investigation or in the reviewing process provided for herein, but this shall not preclude such person from offering his version of the matter to the appropriate reviewing authority.
- F. If the investigation conducted by the Town Board results in facts that lead to substantiation of a sexual harassment charge, any employee so accused has a right to the same rights and possible penalties set forth in Subsections I and J.
- G. Hearing.
  - (1) The hearing will be held in executive session before a panel of three (3) representatives as follows:
    - (a) Town Supervisor.
    - (b) Two Town Board members as designated by the Town Board.
  - (2) The Town Supervisor shall conduct the hearing in such manner as to give each participant the right to be heard and to present the facts. Strict rules of evidence shall not apply, but the Town Supervisor, in his discretion, may preclude evidence that is clearly irrelevant or not adequately verifiable.
- H. If the sexual harassment charges are upheld at hearing, then the hearing panel shall provide for such discipline as it deems appropriate, including an apology, a suspension from employment without pay, or termination of the employee.
- I. If the sexual harassment charges are upheld against an elected official of the town, such charges may serve as the ground for removal of the official pursuant to § 36 of the Public Officers Law.

- J. The decision made by the hearing panel shall be in writing and shall be delivered to the person(s) involved personally or, in the alternative, mailed to them by certified mail, return receipt requested, at the addresses given by such person(s) to the hearing panel. Such decision shall be final and binding.