



# Training Acknowledgment

I hereby acknowledge that I have received a copy of the City of Watertown's policies for Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace and Violence in the Workplace. I further acknowledge that I have received training regarding these topics from my regular employer.

\_\_\_\_\_  
Employee name (PLEASE PRINT)

\_\_\_\_\_  
Employee signature

\_\_\_\_\_  
Date of signature

## 803 ***Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace***

**Policy Statement**– It is the policy of the City of Watertown to promote a productive work environment and to prohibit conduct by any employee that disrupts or interferes with another's work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the City of Watertown is committed to educate employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. Any conduct that discriminates against, denigrates or shows hostility or aversion towards a person on the basis of gender, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, genetic predisposition, sexual orientation, domestic violence victim status, or any other protected status is strictly prohibited. In short, the City will not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such harassment in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to an employee who, in good faith, files such complaint.

**Applicability of Policy**– This policy applies to all Elected Officials employees, supervisors, and Department Heads, 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 City. Depending on the extent of the City's exercise of control, this policy may be applied to the conduct of non-City employees with respect to harassment of City employees in the workplace.

**Supervisory Responsibility**– Department Heads and supervisory personnel are responsible for ensuring a work environment that is free from discrimination and harassment, including sexual harassment. Supervisors must take immediate and appropriate corrective action when instances of discrimination or harassment come to their attention in order to assure compliance with this policy. In addition to being subject to discipline if they engage in sexually harassing conduct themselves, or in retaliation, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

**Prohibited Activity** – No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person. Employees shall not make offensive or derogatory comments based on race, color, sex, religion, national origin, or any other protected status either directly or indirectly to another person. Employees shall not produce offensive or inappropriate written materials or electronic communications (e.g. letters, e-mail or text messages, or graffiti.) These are examples of harassment that are a prohibited form of discrimination under State and Federal employment law and also considered misconduct subject to disciplinary action by the City; it is not intended to be a comprehensive list and does not limit the City's ability to take disciplinary action in other appropriate instances.

**Definition of Sexual Harassment** –This policy places special attention on the prohibition of sexual harassment in the workplace. 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 of 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 employee's 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 City of Watertown considers sexual harassment and which are prohibited include, but are not limited to, the following:

- Quid pro quo threats or promises by a supervisor (loss of job or promise of job, promotion, or other employment benefit).
- 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.
- 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.

**Reporting of Discrimination and Harassment (including Sexual Harassment) –** Employees are strongly encouraged to report any incident of harassment (including sexual harassment) to their immediate supervisor or Department Head as soon as possible after its occurrence. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the City Manager. If the employee is unable to discuss this matter with the City Manager, the report should be made to the City Attorney. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, their Department Head, the City Manager, or the City Attorney. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the City Manager, or the City Attorney at home if these individuals do not work during the employee's shift.

**Discrimination and Harassment (including Sexual Harassment) Complaint Form–**To ensure that all discrimination and harassment complaints are managed appropriately, effectively and in accordance with the City's policy, discrimination and harassment complaints, including sexual harassment complaints, will be recorded in writing by using the City sanctioned Complaint Form. These forms can be obtained from the City Manager's Office. If needed, additional guidance can be obtained from the City Manager's Office.

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

**Investigation of Complaint –**The City Manager will convene with the City Attorney to determine the appropriate individual(s) to conduct the investigation. The investigation 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. Any complaints received will be investigated promptly, thoroughly, and in as impartial a manner as possible. All employees are required to cooperate in an investigation, if so directed.

**Employee or Elected Official Defense –** Any employee or Elected Official charged with discrimination or harassment, including sexual harassment, will be afforded a full and fair opportunity to offer and present information in their 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 grievance procedure contained in their collective bargaining agreement or to file a formal complaint with appropriate state or federal agencies responsible for administering anti-discrimination laws.

**Disciplinary Action –** Any employee or official who is found to have committed an act of workplace discrimination or harassment, including sexual harassment, will be subject to disciplinary action, up to and including termination of employment, as provided by City

operating procedures, including Civil Service Law Section 75, or the disciplinary procedures contained in a collective bargaining agreement. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the City is empowered to take such action.

**Prohibition Against Retaliation**—Retaliation against any employee who brings a written or verbal complaint of discrimination or harassment or who assists or participates in the investigation of such a complaint is strictly prohibited. The City will not tolerate or permit adverse treatment of employees because they report discrimination or harassment or provide information related to such complaints. Any employee who participates in the procedure may do so without fear of retaliation. Violations of this policy may result in disciplinary action up to and including termination of employment.

**False Accusations** – An employee who knowingly makes a false accusation against another individual as to allegations of harassment or discrimination as set forth in this policy will be subject to disciplinary action up to and including termination of employment in accordance with the provisions of this handbook and applicable legal guidelines.

**Legal Protections and Remedies**—Sexual harassment is not only prohibited by the City of Watertown but it is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at the City of Watertown, 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 **with 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.

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

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

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](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination 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. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." 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](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **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.

*\* Policy 803 was revised from its original version on October 19, 2018 to comply with the NYS Model Policy as issued by the NYS Division of Human Rights*

## 804 ***Violence in the Workplace***

**Policy Statement**—The City of Watertown is committed to maintaining a work environment that is safe and free from violence from co-employees and members of the public. The City will respond promptly to threats, acts of violence and acts of aggression by employees and members of the general public against employees. Employees who engage in violent behavior of any type will be subject to disciplinary action, which may include termination from employment. Threatening or violent behavior also may, in the appropriate circumstances, be reported to law enforcement authorities. This policy sets forth standards for all employees and guidelines for reasonable precautions. The accompanying procedures outline response to threats or violence, should they occur in the workplace.

### **Prohibited Conduct**

- A. The City of Watertown does not tolerate any act or threat of violence made on City property, or while in work status at a workplace. The City will not tolerate any type of workplace violence committed by any City employee against any other employee. The City also will not tolerate any acts of violence committed by or against visitors to City buildings or property, as well as customers, vendors, and contractors of the City.
- B. No person may engage in violent conduct or make threats of violence, implied or direct, on City property or in connection with:
  - The use of force with the intent to cause harm, e.g. physical attacks, any unwanted contact such as hitting, fighting, punching or throwing objects;
  - Behavior that diminishes the dignity of others through sexual, racial, religious or ethnic harassment;
  - Acts or threats which are intended to intimidate, harass, threaten, bully, coerce, or cause fear of harm whether directly or indirectly; and/or
  - Acts or threats made directly or indirectly by oral or written words, gestures or symbols that communicate a direct or indirect threat of physical or mental harm.
- C. No person, except sworn Police personnel in the line of duty, may carry, possess, or use any dangerous weapon on City property, owned or leased, or City buildings or facilities.

**Workplace Violence Prevention Program**—Pursuant to the City's commitment to zero tolerance of workplace violence, the City adopts the following as its Workplace Violence Prevention Program:

**Protected Persons**—The City of Watertown does not tolerate any type of workplace violence committed by or against any City employee or representative by any customer, vendor, contractor of the City, or member of the public, whether on City property or while City employees are performing their jobs in the community. The City will work to guard against such incidents of workplace violence and will encourage the participation of law enforcement agencies to safeguard its employees.

**Risk Assessment**—In preparing this Workplace Violence Prevention Program, the City has engaged in an analysis of the factors and situations which may put City employees at risk of occupational assaults and homicides. The City has identified the following instances as potentially high risk for workplace violence:

- Employees who work in a public setting (e.g., clerks, assessors, tax collectors, meter readers, police officers, firefighters, public transportation drivers, public works personnel, library, parks and recreation personnel, and codes enforcement personnel);
- Employees who work late at night or early in the morning;
- Employees who exchange money with the public;
- Employees who work alone or in small numbers; and
- Situations where there is uncontrolled access to the workplace.

**Methods to be used by the City to Prevent Workplace Violence**—To address the risk of occupational assaults and homicides, the methods to be utilized by the City will include:

- Making high-risk areas more visible to more people;
- Installing good external lighting;
- Using drop safes or other methods to minimize cash on hand;
- Providing training in conflict resolution and nonviolent self-defense responses; and
- Establishing and implementing reporting systems for incidents of aggressive behavior.

**Advisory Committee**—The City Manager will establish an Advisory Committee on Workplace Violence whose members will include union and management representatives. It will be the responsibility of the Advisory Committee to monitor safety and make recommendations for improved safety, as appropriate, based on the following guidelines:

- Risk evaluation of the workplace to determine the presence of factors or situations that might place employees at risk of workplace violence;
- Assess the City's readiness for dealing with workplace violence;
- Facilitate appropriate responses to reported incidents of workplace violence;
- Assess the potential problem of workplace violence;
- Evaluate incidents to prevent future occurrences;
- Utilize prevention, intervention, and interviewing techniques in responding to workplace violence; and
- Develop workplace violence prevention tools, ie. pamphlets and guidelines to assist in recognizing and preventing workplace violence.

**Reporting Procedures**—Any incidents of violence, threats of violence or observations of violence in the City are not to be ignored by any member of the organization. Workplace violence should be reported immediately to the employee's immediate supervisor. If the employee is fearful of reporting a situation to a supervisor, the report may instead be made to the employee's department head or directly to the City Manager. When an employee believes that a serious violation of this Workplace Violence Prevention Program exists or that an imminent danger otherwise exists, the employee should bring the matter to the attention of a supervisor in the form of a written notice. The City will investigate the matter and determine an appropriate and corrective response. All employees are encouraged to report behavior they reasonably believe poses a potential for workplace violence in order to maintain a safe working and learning environment. In general, reports will be treated confidentially to the extent consistent with an adequate investigation and appropriate corrective action.

## **Information and Training for Employees**

- A. The City shall make this Workplace Violence Prevention Policy and Program available, upon request, to its employees and their designated representatives.
- B. At the time of the initial adoption of this policy, at the time of an employee's initial assignment, and annually thereafter, the City shall provide its employees with the following information and training on the risks of violence in their workplace:
- Be informed of the requirements of NYS Labor Law §27-b;
  - The risk factors in their workplace;
  - The location and availability of the written workplace violence prevention program; and
  - Training sessions that outline the measures employees can take to protect themselves from such risks, including specific procedures the City has implemented to protect employees and the details of the City's written workplace violence prevention program.

**Record Keeping and Reporting to the NYS Department of Labor** –All record keeping and reporting shall be made in compliance with the then applicable law and regulations. A copy of the City's Workplace Violence Policy and Program is available in the City Clerk's Office.

**Retaliation** –An employee will not be subject to retaliation because he or she has raised an issue concerning violence in the workplace or because he or she has participated in any matter related to the investigation and prevention of violence in the workplace. Retaliatory action against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.