

Village of Pleasantville

Anti-Harassment and Discrimination Policy

Adopted February 24, 2020

BOT resolution 2020-52

VILLAGE OF PLEASANTVILLE HARASSMENT AND EQUAL EMPLOYMENT OPPORTUNITY POLICIES & PROCEDURES

- I. **Harassment and Discrimination Mission Statement:** Harassment and discrimination in the workplace is strictly prohibited. The Village of Pleasantville is committed to maintaining a healthy work environment in which all individuals are treated with respect and dignity, and to provide procedures for reporting, investigating and resolving complaints of harassment and discrimination. All Village employees, Board members, officials, volunteers, vendors and/or agents must be aware that they may not engage in any acts that threaten, intimidate, harass, demean, bully or torment any Village employee, Board member, official, volunteer, vendor, agent and/or patron irrespective of whether the employee is a member of a protected class.

Definitions:

1. Harassment: Any form of conduct that is objectively unreasonable or offensive and that could result in a hostile or intimidating working environment.
2. Discrimination: A failure to treat all persons equally where no reasonable distinction can be found between those favored and those not favored. Examples include, but are not limited to, disparate treatment because of a person's race, gender, religion, national origin, age, disability or perceived disability.
3. Village Counsel, Keane & Beane Labor Attorney, 914-946-4777. Contact information to be posted at Village facilities.

Anti-Harassment and Discrimination Policy:

1. It is the policy of the Village of Pleasantville that all employees have the right to work in an environment free of all forms of harassment and discrimination.

Prohibited Activities:

1. Prohibited activity under this policy will be judged on the basis of conduct that is "objectively unreasonable." The following guidelines illustrate the type of activity that is prohibited:
 - A. No Village employee, Board member, official, volunteer, vendor and/or agent shall either explicitly or implicitly ridicule, mock, bully, deride or belittle any person.

B. No Village employee, Board member, official, volunteer, vendor and/or agent shall make offensive or derogatory comments to any person, either directly or indirectly.

C. No Village employee, Board member, official, volunteer, vendor and/or agent shall engage in activity such as slander, sabotage, ostracism, badgering, withholding resources, disruptive treatment and/or conduct that intimidates or is hostile, whether this conduct is of a sexual nature or not.

D. Retaliation against any Village employee, Board member, official, volunteer, vendor and/or agent for filing a harassment or discrimination complaint or for assisting, testifying, or participating in the investigation of such a complaint is strictly prohibited. Any evidence of retaliation shall be considered a separate violation of this policy.

Responsibilities:

1. Each Village employee, Board member and/or official is responsible for assisting in the prevention of harassment and discrimination by:

A. Refraining from participation in or encouragement of action that could be perceived as harassment and/or discrimination;

B. Encouraging any Village employee, Board member, official, volunteer, vendor and/or agent who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.

Failure of any Village employee, Board member and/or official to carry out their responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

Procedures:

1. Village employees who have witnessed harassment and/or discrimination or are aware of such activity are strongly encouraged to report it to their Department Heads, who, in turn, will report the incident to the Village Administrator for further investigation. If for any reason an employee feels uncomfortable reporting to the Department Head, he or she may report such activity to the Village Administrator directly, or if the Village Administrator is involved he or she may report such activity to the Village Counsel.

2. Board members, officials, volunteers, vendors and/or agents who have witnessed such activity or are aware of such activity are strongly encouraged to report it to the Village Administrator for further investigation. If it concerns the Village Administrator, then he or she shall contact the Village Counsel.
3. Any Village employee, Board member, official, volunteer, vendor and/or agent who believes that he or she has been the victim of harassment and/or discrimination should report the incident to the Village Administrator as soon as possible after the occurrence. If for any reason such individual is uncomfortable reporting the incident to the Village Administrator, he or she should report it directly to the Village Counsel. If the Village Administrator is involved, a report should be made to the Village Counsel which then would perform all the ensuing functions that would otherwise be performed by the Village Administrator.
4. After a report has been received, the Village will immediately cause a thorough and impartial investigation to be conducted. A confidential report of the complaint and investigation will be made to the Village Board.
5. All complaints will be handled in a timely and confidential manner. Information concerning the complaint will be held in confidence and disclosed only to the extent necessary for investigation.
6. The investigation of a complaint will normally include conferring with the parties involved, separately, 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 incidents occurred. The investigation will include confronting the alleged harasser with the charge and asking him or her to respond.
7. Village employees, Board members, officials, volunteers, vendors and/or agents who have been charged with harassment and/or discrimination will be afforded every opportunity to offer and present information in their defense. Such information will be confidential and disclosed only to the extent necessary for investigation.
8. Any Village employee, Board member, official, volunteer, vendor and/or agent who participates in this procedure may do so without fear of retaliation. Retaliation against any such individual who has filed a harassment and/or discrimination complaint or has provided information regarding such complaints, is prohibited and will not be tolerated by the

Village. Any individual found to have retaliated will be subject to disciplinary action which may include termination.

9. The victim of the alleged harassment and/or discrimination will be advised of the outcome of the investigation. If any individual is not satisfied with the outcome of the investigation or with the actions taken as a result of the investigation, he or she can go to the Village Board who will review the matter and make a final determination.

Disciplinary Actions:

Conduct which is found to violate this policy will be regarded as a serious breach of Village policy and will result in immediate disciplinary action up to and including dismissal from employment. Examples of possible disciplinary actions include, but are not limited to, termination, written warning, suspension, probation, demotion, reprimand, transfer, fine, cancellation of a contract, removal from any appointments/boards, a combination of these actions, or any disciplinary action deemed appropriate by the Village Administrator. Knowingly reporting false complaints of harassment and/or discrimination, as opposed to complaints which, even if erroneous, are made in good faith, may also be the subject of appropriate disciplinary action.

Summary:

If an employee believes he/she has been harassed and/or discriminated against, or has witnessed harassment and/or discrimination, and would like to obtain further information regarding the Village's policy, he or she should discuss the matter with the Village Administrator. This policy shall be consistent with all Civil Services rules and regulations, all applicable laws and any relevant provisions found in appropriate collective bargaining agreements.

- II. **Equal Employment Opportunity Mission Statement:** Employment discrimination is prohibited. No Village of Pleasantville agency, department, officer, director, supervisor, employee and/or agent shall discriminate against any person with respect to age, race, creed, color, national origin, sex, sexual orientation, disability or marital status in any matter pertaining to employment by such Village agency or department, including but not limited to hiring, appointment, promotion, tenure, recruitment or compensation, except where otherwise permitted by law.

The Village of Pleasantville is committed to a work environment and community governance that values and encourages diversity and inclusion. Our goal is to develop and maintain a work environment that supports and nurtures every individual throughout his or her tenure with the Village of Pleasantville.

Anti-Discrimination Policy:

1. The Village of Pleasantville is an equal employment opportunity employer committed to compliance with federal, state and local laws prohibiting discrimination. Employment decisions for the Village of Pleasantville government will be made on the basis of merit, fitness and equality of opportunity and without unlawful discrimination. Such prejudices include, but are not limited to:
 - A. Age
 - B. Marital Status
 - C. National Origin
 - D. Color
 - E. Prior Record of Arrest or Conviction
 - F. Creed
 - G. Race
 - H. Disability
 - I. Religion
 - J. Sexual Orientation
 - K. Gender
2. Anti-discrimination protections apply to all of the terms and conditions of employment, including, but not limited to:
 - A. Recruitment
 - B. Promotions
 - C. Testing
 - D. Training Opportunities
 - E. Hiring
 - F. Transfers
 - G. Work Assignments
 - H. Discipline
 - I. Salary and Benefits
 - J. Discharge
 - K. Performance Evaluations
 - L. Working Conditions
3. No Village of Pleasantville agency, department officer, director, supervisor, employee or agent shall enter into any agreement with any person, firm or corporation for the performance of any service or programs on behalf of the Village if said person, firm or corporation discriminates against any person on the basis of age, race, creed, color, national origin, gender, sexual orientation, disability or marital status in the performance of services.

Complaints:

Any person who believes that he or she has experienced discrimination has a right to file a formal complaint with the Village Administrator as well as federal, state, or local agencies. A person does not give up the right to report an infraction to the federal, state, or local agencies when he or she files a complaint with the Village Administrator. If for any reason an individual feels uncomfortable reporting to the Village Administrator, he or she may report such activity to Village Counsel.

Retaliation:

It is unlawful to retaliate against or harass any person for filing an equal employment opportunity complaint, seeking a reasonable accommodation for a disability or a religious observance, or for cooperating in the investigation of an equal employment opportunity complaint. The Village of Pleasantville will not tolerate any such retaliation. Any person who believes he or she is being retaliated against for having made a complaint, or for cooperating in an investigation, is urged to file a complaint of retaliation with the Village Administrator. Any individual who engages in such retaliation or harassment shall be subject to discipline, which may include reprimand, suspension, probation, demotion, transfer, fine, termination, cancellation of a contract, removal from any appointments/boards, a combination of these actions, or any punishment deemed appropriate by the Village Administrator.

Summary:

The Village of Pleasantville hereby finds and declares that the Village has a responsibility to ensure that every individual within its boundaries is afforded an equal opportunity to enjoy a full and productive life, free from violation of basic civil and human rights. The Village of Pleasantville is committed to preventing discrimination by encouraging work environments which appreciate and tolerate differences among persons.