

**POLICY AGAINST DISCRIMINATION AND HARASSMENT
AND COMPLAINT PROCEDURE**

NON-DISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY

The Town of Huntington (“Town”) is an equal opportunity employer. The Town is committed to taking all steps to promote equal opportunity in employment and to ensure that all persons are treated equitably with respect to employment opportunity with the Town of Huntington. The Town has a zero-tolerance policy for all forms of unlawful discrimination and harassment under federal, state and local laws and regulations.

No employee or applicant for employment will be discriminated against because of age, marital status, religion, national origin, disability and/or military status, alienage, citizenship, race, color, creed, gender, disability, marital status, political affiliation/activities, sex, sexual orientation, domestic partnership, pre-disposing genetic characteristic, carrier status, domestic violence victim status or any other protected category under federal, state and/or local laws and regulations.

It is also the policy of the Town of Huntington to prohibit retaliation against any employee who makes a good faith complaint/report, testifies in the case of, or otherwise opposes discriminatory practices against any individual.

Those found to have violated this policy may be subject to disciplinary action which, depending upon the severity of the violation, may include termination from Town employment.

Reasonable Accommodation

Requests for reasonable accommodation should be made to the Town Personnel Director. The Personnel Director will engage in a dialogue with any employee who believes he/she needs a reasonable accommodation in order to perform the essential functions of his/her job and makes a request for such an accommodation. The Town will attempt to provide reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Non-Discrimination

The non-discrimination provisions of this policy apply to all aspects of the employer-employee relationship, including, but not limited to: recruitment, selection, compensation, promotion, transfer, benefits, and termination of employment.

Unlawful Harassment

Sexual Harassment

The Town prohibits all forms of sexual harassment. In particular, the Town prohibits the following:

1. Unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment,
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment, or
- Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

2. Offensive conduct, comments, jokes, innuendos, and other sexually oriented statements.

Examples of the types of conduct expressly prohibited by this policy include, but are not limited to, the following:

- Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body
- Sexually-suggestive touching
- Grabbing, groping, kissing, fondling
- Whistling in a lewd manner
- Lewd, off-color, sexually oriented comments or jokes
- Foul or obscene language
- Leering, staring or stalking
- Suggestive or sexually explicit posters, calendars, photographs, graffiti, or cartoons
- Unwanted or offensive letters or poems
- Making sexual gestures
- Offensive e-mails or voice-mail/text messages
- Offensive or inappropriate postings on social media
- Sexually oriented or explicit remarks, including, written or oral references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies, or prowess
- Questions about one's sex life or experiences
- Repeated requests for dates
- Sexual favors in return for employment rewards, or threats if sexual favors are not provided
- Sexual assault or rape
- Any other conduct or behavior deemed sexually inappropriate by the Town.

Other Forms of Harassment

In addition to sexual harassment, this policy prohibits any conduct that is based on an individual's age, marital status, religion, national origin, disability and/or military status, alienage, citizenship, race, color, creed, gender, disability, marital status, political affiliation, sex, sexual orientation, domestic partnership, pre-disposing genetic characteristic, carrier status,

status as a domestic violence victim or any other protected category under federal, state and/or local laws and regulations, and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Specific behavior that the Town considers to be a violation of this policy includes, but is not limited to, the following:

- Abusive, demeaning, or offensive language, including innuendos, slurs, suggestive, derogatory and/or insulting comments or sounds, whistling, jokes, and threats based on an individual's protected status.
- Abusive messages and/or picture transmitted via e-mail or otherwise, showing or displaying offensive objects, graphic commentaries, obscene gestures and/or other materials based on a protected status that unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.
- Any unwelcome physical contact based on the individual's protected status.
- Any other conduct, in whatever form, deemed to be inappropriate by the Town, where such conduct is motivated by an individual's protected status.

Complaint Procedures

Each member of the Town is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, all employees are responsible for respecting the rights of their co-workers.

If an employee experiences any job-related harassment based on his/her gender, race, national origin, age, disability, religion, or any other protected characteristic, or believes that he/she has been treated in a discriminatory manner, he/she should promptly report the incident to any Department Director, the Town Personnel Director and/or the Town EEO Officer. If an employee is uncomfortable reporting the incident to any of the above for any reason, he/she can make a complaint directly to the Town Attorney. It is preferred that all reports/complaints be in writing where possible, however verbal complaints/reports are acceptable. A complainant may, but is not required to, utilize the Town's EEO Complaint form in making an initial complaint. Any supervisory employee who receives a report/complaint of alleged discrimination or harassment, whether verbal or in writing, or otherwise becomes aware of alleged discrimination/harassment, must report same to the Town EEO Officer.

All incidents of alleged harassment and/or discrimination will be expeditiously investigated and handled as discreetly as possible. All complaints and the investigation of complaint(s) are confidential to the maximum extent consistent with law and the Town's obligations to conduct a thorough investigation.

The Town EEO Officer, in conjunction with the Town Personnel Director and/or another designee, shall be responsible for investigating all reports/complaints of alleged harassment or discrimination. If the report/complaint involves either the Town EEO Officer or the Town Personnel Director, the alleged offending party shall not participate in any investigation into the matter and the Town Attorney, or his/her designee, shall participate in conducting the investigation. Investigation into a complaint/report of alleged harassment or discrimination may include, among other things, a request for written statements from the parties involved and witnesses, conducting interviews with relevant parties/witnesses, reviewing documents, and/or any other steps deemed necessary consistent with the rights of employees under relevant law and collective bargaining agreements.

The Town, at all times, reserves the right to investigate possible incidents of discrimination and/or harassment even in the absence of a complaint or report by an employee.

At the conclusion of the investigation into any complaint/report of alleged discrimination or harassment, the EEO Officer, in conjunction with the Personnel Director and/or designee, shall refer the matter to the appointing authority of the accused for consideration of remedial and/or disciplinary action, if any. In the event that the accused does not have an appointing authority, the matter will be referred to the Town Attorney for consideration of remedial and/or disciplinary action, if any. Any disciplinary action taken against an employee as a result of an investigation under this policy shall be done in compliance with applicable law and/or relevant collective bargaining agreements.

Employees who are found to have made false complaints of harassment and/or discrimination may be subject to disciplinary action, up to and including termination of employment.

Retaliation

Retaliation of any kind against an employee who makes a good-faith report of harassment or discrimination or who participates in an investigation into a complaint is strictly prohibited. Follow-up interview(s) with the complainant may be conducted for an appropriate period of time, to ensure that the harassment/discrimination has not resumed and that no retaliatory action has been taken.

Employee Rights

Nothing contained in this policy and procedure shall be construed to limit or otherwise abrogate the rights of any employee under federal or state law or applicable collective bargaining agreements. The filing of a complaint pursuant to this policy/procedure does not, in any way, relieve any complainant from complying with applicable time limitations for filing of complaints as required under any federal or state law or applicable collective bargaining agreements.