

## **ORANGE COUNTY GOVERNMENT POLICY AGAINST RETALIATION**

The County is committed to a work environment that is free from retaliation and where employees can raise questions or concerns without fear of retaliation. The County strictly prohibits and does not tolerate unlawful retaliation against any current employee, applicant for employment, or former employee who participates in or opposes any activity protected by applicable law. Retaliation occurs when a materially adverse action is taken against an employee because the employee engaged in protected activity.

### Examples of Protected Activity May Include:

- Filing a complaint with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or pursuant to County Policy.
- Testifying or providing an affidavit in support of a co-worker who has filed a discrimination complaint with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or a court.
- Participating in an investigation into allegations of harassment or discrimination.
- Requesting an accommodation pursuant to the Americans with Disabilities Act or the New York State Human Rights Law.
- Requesting or taking leave pursuant to the Family and Medical Leave Act.

### Examples of Materially Adverse Actions May Include:

- Transfer to less prestigious or desirable work or work locations or threatening reassignment
- Demotion
- Work-related threats, warnings or reprimands
- Negative or lowered evaluations
- Filing a civil action
- Making false reports to government authorities or in the media
- Removing supervisory responsibilities

- Scrutinizing work or attendance more closely than that of other employees, without justification
- Engaging in abusive verbal or physical behavior that is reasonably likely to deter protected activity
- Taking action against a family member in order to retaliate against the employee

Other conduct that is likely to deter a reasonable person from engaging in protected activity

Retaliation is prohibited even if the employee's underlying complaint is not confirmed following an investigation. However, employees are not exempt from the consequences of their own misconduct or inadequate performance. This policy does not prevent the County from managing employee performance and addressing conduct issues after an employee has engaged in protected activity, so long as the protected activity is not the reason for the performance management.

### **Actions to Reduce Chances of Actual or Perceived Retaliation**

When an employee makes a complaint of discrimination, the complainant and the accused, as well as anyone else who participates in the investigation process, will be reminded of the County's policy against retaliation. Department Heads and supervisors alleged to have been engaged in discrimination or harassment will be reminded to put aside any personal feelings about the allegations when carrying out management duties or interacting in the workplace.

Department Heads and supervisors are encouraged to consult with the Human Resources Department before taking any action involving an employee who has lodged a discrimination or harassment complaint against them, so that the proposed action can be reviewed to insure that it is based on legitimate, non-retaliatory reasons.

The Human Resources Department will follow up with employees, managers and witnesses during and after an investigation to ensure that there are no concerns regarding potential or perceived retaliation.

### **Complaint Procedure**

If you believe that you have been subjected to any conduct that violates this Policy or applicable law, as soon as possible after the conduct occurs you should report it to your supervisor or Department Head, or if the conduct involves your supervisor or Department Head, you should report it to the Human Resources Department. Upon receipt of a complaint, the supervisor or Department Head with whom the complaint is filed will promptly report it to the Commissioner of Human Resources. Any supervisor or Department Head who observes retaliatory conduct must report the conduct to the Human Resources Department. Any conduct that involves the Human Resources Department may be reported to the County Attorney.

The complaint should be as detailed as possible, including the names of all individuals involved and any witnesses. The County will conduct a thorough, prompt and impartial investigation of the complaint and will take prompt corrective action, if appropriate.

The Human Resources Department may be contacted at (845) 291-2008, 255 Main Street, 3<sup>rd</sup> Floor, Goshen, NY 10924. The County Attorney may be contacted at (845) 291-3150, 255 Main Street, 2<sup>nd</sup> Floor, Goshen, NY 10924.

Employees and applicants also have the right to file a complaint of retaliation with the following agencies. Please check directly with these agencies, for the time limits and the proper procedures for filing with them:

ORANGE COUNTY HUMAN RIGHTS COMMISSION	NEW YORK STATE DIVISION OF HUMAN RIGHTS	EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
40 Matthews Street, Suite 301 Goshen, NY 10924 (845) 615-3680	One Fordham Plaza, 4 <sup>th</sup> Floor Bronx, New York 10458 (718) 741-8400	33 Whitehall Street – 5 <sup>th</sup> Floor New York, NY 10004 (800) 669-4000

**Corrective Action/Discipline**

Any employee who is determined to have engaged in retaliation in violation of this Policy will be subject to discipline, up to and including termination of employment.