

**ORANGE COUNTY GOVERNMENT  
POLICY AGAINST DISCRIMINATION, HARASSMENT  
AND SEXUAL HARASSMENT IN THE WORKPLACE**

**PURPOSE**

THE COUNTY OF ORANGE (“COUNTY”) HAS DEVELOPED THIS POLICY TO ENSURE EQUAL EMPLOYMENT OPPORTUNITIES TO ALL COUNTY EMPLOYEES AND APPLICANTS FOR EMPLOYMENT WITHOUT REGARD TO RACE, COLOR, CREED, RELIGION, SEX, NATIONAL ORIGIN, AGE, DISABILITY, PREGNANCY-RELATED CONDITION, MARITAL STATUS, FAMILIAL STATUS, DOMESTIC VIOLENCE VICTIM STATUS, MILITARY OR VETERAN STATUS, PRIOR ARREST RECORD, PRIOR CRIMINAL CONVICTION RECORD, SEXUAL ORIENTATION, PREDISPOSING GENETIC CHARACTERISTICS, GENDER IDENTITY, GENDER EXPRESSION, TRANSGENDER STATUS, GENDER DYSPHORIA OR ANY OTHER CHARACTERISTIC OR BASIS PROTECTED BY APPLICABLE LAW. THE POLICY IS ALSO INTENDED TO PREVENT SEXUAL HARASSMENT AND OTHER FORMS OF HARASSING CONDUCT IN THE WORKPLACE, AND TO CORRECT ANY AND ALL HARASSING CONDUCT THAT MAY OCCUR.

ALL COMPLAINTS OF DISCRIMINATION AND/OR HARASSMENT WILL BE INVESTIGATED PROMPTLY, THOROUGHLY AND IMPARTIALLY. THE COMPLAINT WILL BE KEPT CONFIDENTIAL DURING THE INVESTIGATION TO THE EXTENT POSSIBLE BUT THE COUNTY RESERVES THE RIGHT TO DISCLOSE INFORMATION AS REASONABLY NECESSARY TO CONDUCT A THOROUGH INVESTIGATION AND TAKE CORRECTIVE ACTION. RETALIATION AGAINST ANY EMPLOYEE FOR FILING A GOOD FAITH COMPLAINT OR PARTICIPATING IN AN INVESTIGATION IS STRICTLY PROHIBITED.

**PROHIBITION AGAINST DISCRIMINATION AND HARASSMENT  
AND RESPONSIBILITIES OF EMPLOYEES**

The County is committed to creating an employment atmosphere free of unlawful discrimination and harassment based on race, color, creed, religion, sex, national origin, age, disability, pregnancy-related condition, marital status, familial status, domestic violence victim status, military or veteran status, prior arrest record, prior criminal conviction record, sexual orientation, predisposing genetic characteristics, gender identity, gender expression, transgender status, gender dysphoria or any other characteristic or basis protected by applicable law. The County’s policy prohibits unlawful discrimination, sexual and other forms of harassment and retaliation in the workplace. This policy applies to all persons involved in the operation of the County and prohibits unlawful harassment and discrimination by any employee of the County as well as by others including outside vendors, customers, consultants and residents as it relates to the County workplace. Improper interference with the ability of County employees to perform their expected job duties is not tolerated.

Any employee who engages in unlawful sexual or other forms of harassment, discrimination or retaliation, and any supervisor or member of management who knowingly permits such conduct to occur, will be subject to appropriate disciplinary action for misconduct, up to and including termination of employment.

It is the responsibility of each County employee who believes he or she has been subjected to discrimination or harassment in the workplace, whether by a County employee or non-employee (which includes but is not limited to someone not directly employed by or connected with the County (e.g., an outside vendor,

customer, consultant, resident)), to utilize the procedures the County has established to report and correct discrimination and harassment. The County's complaint procedure is set forth below. As a general matter (there may be exceptions in individual cases), the County will try to resolve employee complaints regarding alleged discrimination and/or harassment at the departmental level.

Each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Any member of management who receives a complaint of discrimination or harassment under this policy or becomes aware of discrimination or harassment, must promptly follow the complaint procedure outlined here within so that the County can investigate and try to resolve the complaint. Individuals engaging in discrimination, harassment or retaliation, as well as supervisors who fail to report violations of this policy, or knowingly allow prohibited conduct to continue, will be subject to discipline. Individuals who engage in conduct that rises to the level of a violation of law can be held personally liable for such conduct. Further, all employees are responsible for respecting the rights of their coworkers.

## **DEFINITIONS**

**DISCRIMINATION:** Discrimination is the act of treating or allowing similarly situated employees or applicants for employment to be treated differently with respect to hiring, firing, promotion or any other term or condition of employment because of any characteristics or basis protected by applicable law or this Policy.

**Examples of protected characteristics/classes include, but are not limited to:**

- Race, including traits historically associated with race, including but not limited to hair texture and protective hairstyles;
- Color, based on skin color;
- National Origin, ethnicity or accent, or appearance of ethnic background;
- Religion, including the wearing of any attire, clothing or facial hair in accordance with the requirements with his or her religion; Creed;
- Sex; Sexual Orientation; Genetic Information; Gender Identity; Gender Expression; Predisposing Gender Characteristics; Transgender Status; Gender Dysphoria;
- Age;
- Disability, including physical or mental impairment;
- Marital Status, married, separated, divorced, single or widowed;
- Familial Status, married, pregnant or has children;
- Pregnancy-Related Condition, including the employee or an employee's dependent's reproductive health decision-making;
- Domestic Violence Victim Status;
- Prior Arrest Record; Prior Criminal Conviction Record;
- Any other characteristic or basis protected by applicable law or this Policy.

**HARASSMENT:** Harassment is unwelcome verbal or physical conduct that is based on any characteristic or basis protected by law or this Policy (for example, sex, race, color, religion, national origin, age, disability or other protected groups under federal and New York State laws), or because of participation in protected conduct under applicable law or Policy, where: (1) the conduct creates or can reasonably be considered to create an intimidating, hostile or offensive working environment that interferes with an individual's work performance; or (2) enduring the conduct becomes a condition of continued employment or otherwise adversely affects an individual's employment opportunities.

**Examples of harassing conduct** include, but are not limited to:

- Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to a protected characteristic or protected conduct.
- Verbal, written, recorded, or electronically transmitted messages or graphic material that creates an intimidating, hostile or offensive work environment.
- The display in the workplace of demeaning, insulting, intimidating, or hostile objects, images, pictures or cartoons that relate to a protected characteristic or protected conduct.
- Demeaning, insulting or intimidating comments about an individual's race including traits historically associated with race including but not limited to, hair texture and protective hairstyles.
- Demeaning, insulting or intimidating comments about an individual's religion, including the wearing of any attire, clothing or facial hair in accordance with the requirements or his or her religion.
- Demeaning comments regarding family members in connection with an employee's protected characteristic or protected conduct.
- Any other conduct or behavior deemed to be a violation of this policy by the County.

Petty slights, annoyances and isolated incidents (unless extremely serious) may not rise to the level of unlawful harassment but nonetheless are not acceptable.

**PROTECTED CONDUCT:** The County does not retaliate against employees because of their participation in protected conduct, in accordance with applicable law. Examples of protected conduct include commencing a good faith complaint of unlawful discrimination, harassment or retaliation, or participation in an investigation, charge or lawsuit concerning unlawful discrimination, harassment or retaliation, whether as a party or a witness.

**SEXUAL HARASSMENT:** Sexual Harassment is a form of harassment. It may, but does not have to, consist of conduct such as: (1) offensive comments, jokes, innuendoes, gestures, or other sexually oriented conduct; and/or (2) unwelcome sexual advances or requests for sexual favors, or other verbal or physical conduct of a sexual nature where: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, even if the individual is not the intended target.

**Examples of prohibited sexual harassment** include, but are not limited to:

- Unwanted physical contact or conduct of any kind, including rubbing, massaging, stroking hair, brushing against another's body, grabbing, groping, kissing, fondling, flirtations, advances, whistling, touching, pinching, assault, blocking normal movement or sexually suggestive touching.
- Foul or obscene language or verbal or written abuse of a sexual nature, including demeaning, insulting, intimidating, or sexually suggestive verbal, written, recorded, or electronically transmitted messages.

- Demeaning, insulting, intimidating, or sexually suggestive comments about an individual's dress or body; leering, whistling, commenting about one's sex life or experience, staring or stalking.
- 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.
- Pressure for sexual favors, including implying or threatening that an applicant's or employee's cooperation (or refusal) will have any effect on the person's job assignments, wages, promotions, future job opportunities and/or other terms and conditions of employment.
- The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, posters, calendars, graffiti, cartoons or images.
- Offensive computer or electronic images, e-mails, text messages or voice-mail messages.
- Questions about one's sex life or experience.
- Repeated requests for dates or unwanted propositions.
- Unwanted or offensive letters, poems, posts or gifts.
- Sexual assault or rape or other unwelcome physical acts.
- Conduct or comments consistently targeted at only one gender, even if the content is not sexual.
- Teasing or other conduct directed toward a person because of the person's gender.
- Any other conduct or behavior deemed to be a violation of this policy by the County.

## **COMPLAINT PROCEDURE**

An employee who believes that he or she has been discriminated against and/or harassed may, but is not required to, tell the perpetrator that his or her conduct is unwelcome and to request that it be discontinued. If the inappropriate conduct does not cease, or if the employee is unable, unwilling or uncomfortable addressing the alleged perpetrator directly, or if the employee simply prefers not to do so, the employee should pursue the matter through the below complaint procedure.

It is important to report all concerns as soon as possible. The County must be made aware of the situation so that an investigation can be conducted and, where appropriate, action taken to remediate or prevent the conduct from continuing. In all instances the complaint should be brought as soon as possible following the incident.

### **STEP 1: Reporting Stage**

Report by an Applicant: An applicant for County employment who believes that they have been unlawfully discriminated against or harassed in connection with the application process may report such discrimination

or harassment, verbally or in writing, directly to the Commissioner of Human Resources, (845) 291-2008. If the applicant elects to lodge the complaint in writing, a Complaint Form, which is available from the Department of Human Resources, may be mailed in a sealed envelope marked “CONFIDENTIAL” to: Commissioner of Human Resources, 255 Main Street, 3<sup>rd</sup> Floor, Goshen, NY 10924. If the complaint concerns the Commissioner or Department of Human Resources, it may instead be reported to the County Attorney, (845) 291-3150, and/or the completed Complaint Form may be mailed, in a sealed envelope marked “CONFIDENTIAL” to: County Attorney, 255 Main Street, 2<sup>nd</sup> Floor, Goshen NY 10924.

Report by an Employee (including contractors, subcontractors, vendors consultants or interns) who believes they have been subjected to conduct prohibited by this policy or by applicable law should promptly report the incident/complaint to his or her supervisor or Department Head as soon as possible. Upon receipt of a discrimination/harassment complaint, the supervisor or Department Head with whom the complaint is filed will promptly report it to the Commissioner of Human Resources.

An employee who does not feel comfortable reporting the incident to their supervisor or Department Head should report the incident to the Human Resources Department, (845) 291-2008. If the complaint concerns the Commissioner or Department of Human Resources, it may instead be reported to the County Attorney, (845) 291-3150.

An employee may initiate the complaint procedure by reporting discrimination and/or harassment either verbally or in writing. If an employee elects to lodge a complaint in writing, a Complaint Form, which is available from the Department of Human Resources, may be delivered, in person or by mail, to his or her supervisor or Department Head. Alternatively, an employee may mail the Complaint Form in a sealed envelope marked “CONFIDENTIAL” to the Commissioner of Human Resources, 255 Main Street, 3<sup>rd</sup> Floor Goshen, NY 10924. If the complaint is being filed with the County Attorney, the Complaint Form should be mailed, in a sealed envelope marked “CONFIDENTIAL” to: County Attorney, 255 Main Street, 2<sup>nd</sup> Floor, Goshen NY 10924.

Unsigned/incomplete Complaint Forms may hinder or prevent the County from resolving employee complaints.

Report by a Supervisor or Department Head: A supervisor or Department Head who receives a complaint of discrimination or harassing conduct, whether in a formal complaint or informally, must immediately report the Complaint to the Commissioner of Human Resources, or if for any reason the Supervisor or Department Head is uncomfortable doing so, the complaint may be reported to the County Attorney. The phone numbers, addresses and forms described in the “Report by an Employee” section above should be utilized.

## **STEP 2: Investigation Stage**

The Human Resources Department (or, if appropriate, the County Attorney or an independent party) will undertake a prompt, thorough and impartial investigation of the allegations of properly reported complaints. Confidentiality will be maintained during the investigation to the extent possible consistent with the County’s need to conduct a thorough investigation and take appropriate corrective action. Employees are required to cooperate in all investigations conducted pursuant to this policy.

The County therefore reserves the right to disclose during the investigation the details and the nature of the complaint to those with a need to know, which may reasonably include but is not limited to the person alleged to have committed the harassment or discrimination. The complainant and the person alleged to have committed the harassment or discrimination will be advised of the outcome of the investigation.

### STEP 3: Resolution Stage

If, following the investigation, it is determined that an individual has engaged in discrimination, harassment or retaliation, disciplinary action, up to and including termination, may be taken against the offending employee. Other appropriate action may also be taken against the employee depending on the circumstances. If someone other than an employee has engaged in the offending behavior, appropriate steps will be taken.

#### NO RETALIATION

Retaliation occurs when an employer takes a materially adverse action because an applicant or employee asserts rights protected by applicable law. "Adverse action" includes but is not limited to: any action that would keep an employee from reporting discrimination, harassment or retaliation; shunning and avoiding an individual who reports discrimination, harassment or retaliation; express or implied threats or intimidation intended to prevent an individual from reporting discrimination, harassment or retaliation; and denying employment benefits because an applicant or employee reported or encouraged another employee to report discrimination, harassment or retaliation or participated in the reporting and investigation process described below. The County will not tolerate, and will not itself take, any form of retaliatory action against any employee or applicant for employment who makes a complaint or who utilizes or participates in an investigation or the complaint procedure, even if the underlying discrimination or harassment allegation is unsuccessful. Any employee or applicant for employment who is concerned about retaliation should review the County's Policy Against Retaliation, which includes a complaint and investigation procedure for resolving concerns about retaliation.

#### BAD FAITH

False or bad faith statements will be considered by the investigator when determining, among other things, credibility, procedural matters and whether the claim has merit.

Individuals who oppose any practice made unlawful under applicable law must do so in a reasonable manner, based on a reasonably good faith belief that the conduct opposed is unlawful or could become unlawful. In the event that the employee fails to do so, appropriate steps will be taken which may include disciplinary action, up to and including termination of employment.

**Legal Protections and External Remedies: Aside from the internal complaint process at the County, employees and applicants also have the right to file a complaint, including seeking compensation, 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 St, Suite 301 Goshen, NY 10924 (845) 615-3680	One Fordham Plaza, 4 <sup>th</sup> Floor Bronx, NY 10458 (718) 741-8400	33 Whitehall Street – 5 <sup>th</sup> Floor New York, NY 10004 (800) 669-4000

#### 1. New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to 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 DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment, or within three years for sexual 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 discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the County does not extend your time to file with DHR or in court. The one year or three years is counted from 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 discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination 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 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  
(718) 741-8400  
[www.dhr.ny.gov](http://www.dhr.ny.gov)

Contact DHR at (888) 392-3644 or visit [www.dhr.ny.gov/complaint](http://www.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.

## **2. United States Equal Employment Opportunity Commission (EEOC)**

The 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.

If an employee believes that they have been discriminated against at work, they 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 (1-800-669-6820 (TTY)), 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.

**3. 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. In Orange County, employees may file complaints of discrimination, harassment and sexual harassment with the Orange County Human Rights Commission.

Contact their office at 40 Matthews Street, Suite 301, Goshen, NY 10924.  
[www.humanrights@orangecountygov.com](mailto:www.humanrights@orangecountygov.com)

**4. Contact the Local Police Department**

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

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Remember, we cannot remedy claimed discrimination, harassment or retaliation unless you bring these claims to the attention of management. Please report any conduct which you believe violates this policy or our Equal Employment Opportunity policy.

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**ORANGE COUNTY GOVERNMENT  
DISCRIMINATION/HARASSMENT COMPLAINT FORM**

Use this form to file an internal claim of discrimination or harassment based on race, color, national origin, creed, age, sex (including sexual harassment), sexual orientation, genetic information, gender identity, gender expression, transgender status, gender dysphoria, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, military or veteran service status, or any other characteristic or basis protected by applicable law.

**PERSONAL PRIVACY PROTECTION LAW**

The information which you are providing in this form will be used for the principal purpose of internal review of your claim of discrimination or harassment, including sexual harassment. This information will be used in accordance with Section 96(1) of the Personal Privacy Protection Law, particularly subdivisions (b), (e) and (f). Your failure to provide this information may hinder or prevent the County from resolving your complaint. This information will be maintained by the Commissioner of Human Resources (845) 291-2008 at 255 Main Street, 3<sup>rd</sup> Floor, Goshen, NY, or if your complaint is against the Commissioner of Human Resources then it will be maintained by the County Attorney (845) 291-3150 at 255 Main Street, 2<sup>nd</sup> Floor, Goshen, NY.

**PERSONAL INFORMATION**

Name: _____	Department: _____
Home Address: _____ _____	Business Address: _____ _____
_____ Zip _____	_____ Zip _____
Home Phone: _____	Business Phone: _____
Job Title: _____	Work Schedule: Hours: _____ Days: _____

**SUPERVISORY INFORMATION**

Immediate Supervisor's Name: _____	Department Head's Name: _____
Title: _____	Title: _____
Business Address: _____ _____ Zip _____	Business Address: _____ _____ Zip _____
Business Phone: _____	Business Phone: _____

**DETAILS OF CLAIM**

1. Claim of discrimination/harassment is based on (check one or more that apply):

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> RACE            | <input type="checkbox"/> GENDER DYSPHORIA | <input type="checkbox"/> DISABILITY                  |
| <input type="checkbox"/> COLOR           | <input type="checkbox"/> MARITAL STATUS   | <input type="checkbox"/> PREGNANCY-RELATED CONDITION |
| <input type="checkbox"/> NATIONAL ORIGIN | <input type="checkbox"/> FAMILIAL STATUS  | <input type="checkbox"/> AGE                         |

- CREED
- SEX
- GENDER IDENTITY
- GENDER EXPRESSION
- DOMESTIC VIOLENCE
- VICTIM STATUS
- RELIGION
- SEXUAL ORIENTATION
- MILITARY STATUS
- VETERAN STATUS
- GENETIC INFO
- TRANSGENDER STATUS

OTHER (explain)\_\_\_\_\_

2. Claim of discrimination/harassment is made against:

Your relationship to this person:

Name:\_\_\_\_\_

Supervisor

Work Address:\_\_\_\_\_

Co-worker

\_\_\_\_\_

Subordinate

Work Phone:\_\_\_\_\_

Other:\_\_\_\_\_

3. Incident(s) occurred on or about(date(s)):

4. Briefly describe the incident and your reasons for concluding that it was discriminatory/harassing. Include names of witness(es), if any, and attach supporting data, if available. Use an additional sheet(s), if necessary.

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\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Have you previously complained or provided information (verbal or written) about sexual harassment to the Company? If yes, when and to whom did you complain or provide information? \_\_\_\_\_

6. Have you filed a claim regarding this complaint with a federal, state or local government agency? Have you instituted a legal suit or court action regarding this complaint? Have you hired an attorney with respect to this complaint? \_\_\_\_\_

**AFFIRMATION:** I understand that the filing of this internal claim does not prevent me from filing a claim of discrimination/harassment/sexual harassment through judicial or administrative processes. I request that the County investigate this complaint in a timely and confidential manner and advise me of the results of the investigation.

I hereby affirm that the information contained in this claim is true and correct to the best of my knowledge, information and belief.

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

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**DATE RECEIVED:**

**BY WHOM:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Signature**

**Print name**