

OGDENSBURG BRIDGE & PORT AUTHORITY

SEXUAL HARASSMENT POLICY

BACKGROUND.

The Ogdensburg Bridge and Port Authority (OBPA) believes in the dignity of the individual and recognizes the rights of all people to equal opportunities. In this regard, the OBPA has had a long-standing policy of protecting and safe-guarding the rights and opportunities of all people to seek, obtain, and hold employment without being subjected to sexual harassment or discrimination of any kind in the workplace.

POLICY.

As with discrimination involving race, color, religion, age, sexual orientation, disability, and national origin, the OBPA also prohibits sex discrimination, including sexual harassment of its employees in any form. The OBPA will take all steps necessary to prevent and stop the occurrence of sexual harassment in the workplace.

1. This policy applies to all OBPA employees and all personnel in a contractual relationship with the OBPA. Depending on the extent of the OBPA's exercise of control, this policy may be applied to the conduct of non-OBPA employees with respect to sexual harassment of OBPA employees in the workplace.
2. This Sexual Harassment Policy prohibits conduct, including, but not limited to, inappropriate forms of behavior described herein under the section entitled, "Definition of Sexual Harassment."
3. Department heads and supervisory personnel are responsible for ensuring a work environment is free from unsolicited, unwelcome and intimidating sexual overtures. Supervisors must take immediate and appropriate corrective action, when instances of sexual harassment come to their attention, to assure compliance with this policy.
4. An employee who is found to have committed an act of sexual harassment may be subject to disciplinary action as provided by the OBPA Disciplinary Policy and/or disciplinary procedures in the Collective Bargaining Agreement, which may include termination. Additionally, retaliation against any employee who has filed a sex discrimination or sexual harassment complaint is illegal and may result in disciplinary action.

Intimidation, coercion, threats, reprisals, or discrimination against any employee for complaining about harassment as described in this policy is prohibited.

Approved at December 14, 2016, Board Meeting

5. All employees will be held responsible and accountable for avoiding or eliminating all prohibited conduct. Employees are to be encouraged to report violations of this policy to their supervisor or to a member of the Sexual Harassment Committee. The Sexual Harassment Committee shall consist of two (2) members of the Board to be appointed annually by the Chairperson.

DEFINITIONS OF SEXUAL HARASSMENT.

1. Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

A. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;

-OR-

B. 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-

C. 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.

2. Sexual harassment refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale, and that, therefore, interferes with an employee's work performance and effectiveness or creates an intimidating, hostile, or offensive working environment.

Specific forms of behavior that the OBPA considers sexual harassment include, but are not limited to, the following:

A. Verbal.

Abusive verbal language related to an employee's sex, including sexual innuendoes, slurs, suggestive, derogatory, or insulting comments or sounds, whistling, jokes of a sexual nature, sexual propositions, and 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.

B. Non-Verbal.

Abusive written language, 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.

C. Physical.

Physical contact which is not welcome, including touching, petting, pinching, coerced sexual intercourse, assault, or persistent brushing up against a person's body.

PROCEDURE.

1. Employees are encouraged to report incidents of sexual harassment to their Department Head and/or Sexual Harassment Committee as soon as possible after their occurrence. However, if the employee's Department Head is believed to be involved in the incident, the report should be made directly to any member of the Sexual Harassment Committee.
2. If an employee believes he/she has been sexually harassed and would like to obtain guidance as to how to proceed in filing a complaint, that employee should review the attached **Sexual Harassment Complaint Procedure** or contact any member of the Sexual Harassment Committee.
3. When a complaint is filed, the procedures of the Sexual Harassment Committee must be followed, including the time limit of one hundred eighty (180) days. The **Sexual Harassment Complaint Procedure** is attached. It describes the procedural steps to be taken when an employee has filed a complaint, details the responsibilities of all involved parties, and provides the timeframes for action to be taken.
4. All complaints will be handled in a timely and confidential manner. In no event will information concerning a complaint be released by the OBPA to any third party or to anyone within OBPA employment who is not directly involved in the investigation.
5. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. **If a complaint involves a bargaining unit member and the employee is disciplined, the disciplinary procedure in the existing contract will be followed.** 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. Confidentiality will be maintained throughout the investigation process. The Sexual Harassment Committee will also investigate cases in which a supervisor requests or requires assistance.

6. Employees who believe they have been unjustly charged with sexual harassment will be afforded every opportunity to offer and present information in their defense. Such information will be confidential.

7. Any employee who participates in this procedure may do so without a fear of retaliation. Retaliation against any employee who has filed a sex discrimination or sexual harassment complaint is illegal and may result in disciplinary action.

8. An employee who is found to have committed an act of sexual harassment may be subject to disciplinary action as provided by the OBPA operating procedures, and such action may include termination.

9. Nothing in this policy should be construed as in any way limiting any employee's existing rights to file a grievance or to file a complaint with the New York State Division of Human Rights or the United States Equal Employment Opportunity Commission or to take any legal action which he/she may deem advisable.

10. The Review Committee will consist of three (3) members consisting of the Shop Steward and two (2) Board Members appointed by the Chairperson. An alternate employee committee member will be chosen by the employees to act in the absence of the Shop Steward.

11. This policy becomes an integral part of the contract between the OBPA employees and the Ogdensburg Bridge and Port Authority. Each OBPA employee will receive a copy of the Sexual Harassment Policy and sign for it.



REVIEW COMMITTEE

Date: _____

1. _____

2. _____

3. _____

Alternate: _____

OGDENSBURG BRIDGE AND PORT AUTHORITY

SEXUAL HARASSMENT COMPLAINT PROCEDURE

Section I – Step One.

- A. An aggrieved employee (complainant) will meet with his/her Department Head to discuss the allegations of sexual harassment and may file a complaint of harassment. If a complaint is filed, the Department Head must immediately send the signed **Complaint of Sexual Harassment** (Form A) to the Sexual Harassment Committee. Verbal complaints must be handled informally.
- B. All written complaints must be filed by the complainant within one hundred eighty (180) days of the alleged act of harassment.
- C. The complainant may withdraw the complaint in writing at any time by notifying the Department Head involved or a Committee member and filing a **Notice of Withdrawal of Complaint of Sexual Harassment** (Form B).

Section II – Step Two.

- A. When a written complaint is filed, the Department Head or Committee member will have fifteen (15) working days to try to resolve the allegation informally by:
1. gathering and assessing the facts he/she deems necessary to resolve it;
 2. meeting with the alleged abuser and the complainant separately; and
 3. using whatever other methods deemed necessary or appropriate to attempt to resolve the complaint.
- B. Regardless of whether the complaint is written or verbal, if a resolution is achieved, the Department Head or counselor will fill out a **Notice of Resolution of Complaint of Harassment** (Form C) which all parties must sign. This form, along with all other relevant information, will be sent to the Sexual Harassment Committee. Upon receipt by the Committee, the case will be considered closed.
- C. If a complaint is not resolved, it will be turned over to the Sexual Harassment Committee. The Sexual Harassment Committee will investigate the complaint, call the witnesses to appear before the Committee, and review any other evidence the Committee feels credible and probative of the allegation(s). Notice of the complaint must be given to the accused, who shall also be afforded an opportunity to appear before the Committee, with or without counsel or other appropriate representative, if he/she so desires. The Committee will have ten (10) working days to investigate the complaint and an additional ten (10) working days to render a decision.

D. Written notice of the Committee's decision will be given to both the complainant and the accused.

THIS AGREEMENT BECOMES AN INTEGRAL PART OF THE CONTRACTUAL AGREEMENT BETWEEN THE OGDENSBURG BRIDGE AND PORT AUTHORITY AND THE OBPA MANAGEMENT/CONFIDENTIAL EMPLOYEES OF THE OGDENSBURG BRIDGE AND PORT AUTHORITY.

Date: _____

Date: _____

CHIEF FINANCIAL OFFICER

EXECUTIVE DIRECTOR

-or-

CHAIRPERSON

(FORM A)

OGDENSBURG BRIDGE & PORT AUTHORITY

COMPLAINT OF SEXUAL HARASSMENT

Name of Complainant: _____

Address: _____

Home Phone: _____ Work Phone: _____

Date of Hire: _____

Department Employed: _____

Department Head: _____

Name & Title of Person(s) Complained of: _____

Date(s) & Time(s) of Incident(s): _____

Description of Incident(s): _____

Action Being Sought: _____

Complainant's Signature: _____ Date: _____

(FORM B)

OGDENSBURG BRIDGE AND PORT AUTHORITY

**NOTICE OF WITHDRAWAL OF
COMPLAINT OF SEXUAL HARASSMENT**

Name of Complainant: _____

Title & Department: _____

Date Complainant Filed: _____

Department Head Notified: _____

I HEREBY WITHDRAW THIS COMPLAINT AND AGREE THAT NO FURTHER ACTION
IS REQUIRED ON THIS MATTER.

Complainant's Signature; _____ Date: _____

(FORM C)

OGDENSBURG BRIDGE AND PORT AUTHORITY

**NOTICE OF RESOLUTION OF
COMPLAINT OF SEXUAL HARASSMENT**

Name of Complainant: _____

Title & Department: _____

Date Complainant Filed: _____

Person Complained of: _____

Title & Department: _____

Resolution: _____

By signing below, all parties signify that they agree to the terms by which the complainant was resolved and further agree that no further action is required on the complainant.