

## **LUZERNE COUNTY POLICY ON STATEMENT OF SEXUAL HARASSMENT**

It is the policy of Luzerne County that all employees should be able to enjoy a work environment that is free from all forms of discrimination, including sexual harassment. No employee, male or female, is expected to endure insulting, degrading or exploitive sexual harassment by other employees, or non-employees, in the workplace. Sexual harassment is therefore prohibited by the County, and, as such, its occurrence will not be tolerated.

### **DEFINITIONS**

Unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct is made as an explicit or implicit term or condition of an individual's employment;
2. Submission or rejection of such conduct by an individual is used as a basis for employment decisions (transfer, promotion, demotion, reassignment) affecting such individuals;
3. Unwelcome sexual flirtations, advances or propositions, verbal abuse of a sexual nature, subtle pressure or request for sexual activities, preferential or derogatory treatment based on gender, unnecessary touching of an individual, graphic verbal commentaries about an individual's body or sexually degrading words used to describe an individual, which create an uncomfortable work environment;
4. The display in the workplace of sexually suggestive objects or pictures, sexually explicit or offensive jokes, or physical assault, which creates an offensive work environment.

### **REPORTING PROCEDURES**

Luzerne County will not tolerate sexual harassment and will take action to eradicate problems as they arise. Any employee engaging in sexual harassment will be subject to disciplinary action. Further, the County will take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of sexual harassment under Title VII of the Civil Rights Act of 1964 and the Pennsylvania Human Relations Act, and developing methods to sensitize all concerned.

The County recognizes its affirmative duty to deal with incidents of sexual harassment; the County also encourages employees to recognize their responsibility to report occurrences of sexual harassment when they occur. Employees who believe they have been subjected to sexual harassment or who have witnessed the harassment of another are encouraged to record the details (who, what, when, where, and the names of witnesses) and to report such information to their immediate supervisor or to the County Director of Personnel.

Sexual harassment is a problem that should be confronted promptly. Upon will notification of the occurrence of possible harassment, the County will investigate the charges immediately. Confidentiality will be maintained within the confines of the contacts necessary to investigate the claim. Furthermore, no one will suffer retaliation for initiating an investigation of sexual harassment.

## LUZERNE COUNTY POLICY

### SEXUAL HARASSMENT AND DISCRIMINATION

Luzerne County Government and its respective departments and social service agencies will not tolerate sexual harassment or discrimination.

For the benefit of all employees of Luzerne County, we are heretofore providing our employees with the Equal Employment Opportunity Commission's definition of sexual harassment. A complete definition of sexual harassment can be found in the following sources Title VII, Pub. L. 88 – 353, 78 Stat. 253 (42 U.S.C. 2000e *et seq.*); 45 FR 74677, November 10, 1980.

Sexual harassment has been defined by the Equal Opportunity Commission as follows:

- (a) Harassment on the basis of sex is a violation of section 703 of title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) 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.

Should any employee believe such treatment has been imposed upon him or her by another, they are encouraged to come forward without fear of retaliation or recrimination. The employer will promptly investigate, mediate and attempt to resolve all such allegations and will institute disciplinary actions as may be necessary.

Luzerne County will act in accordance with the Federal Civil Rights Act, in particular, Title VII, 42 U.S.C. §2000e *et seq.*, the guidelines of the Equal Employment Opportunity Commission and the Pennsylvania Human Relations Act.

## **DISCRIMINATION COMPLAINT PROCEDURES**

### **COMPLAINT PROCEDURE**

Luzerne County has an internal procedure providing for prompt and equitable resolution of discrimination complaints. This policy applies to any full or part-time administrative, staff member or employee. All County employees have access to his procedure.

#### **A. INFORMAL PROCEDURE**

1. Individuals who believe they may have experienced discrimination, but are uncertain whether a complaint is justified or whether they wish to initiate a formal complaint, may discuss their concerns confidentially and informally with their immediate supervisor. If the immediate supervisor is the subject of the complaint, the complaint should be taken up with the Director of Personnel. To the extent possible, the anonymity of the complainant will be maintained, if requested.
2. If it is decided by the complainant that an informal complaint is to be filed, a written statement of the allegations will be forwarded by the complainant to who will theretofore be deemed the investigator will thoroughly investigate the complaint. An inquiry concerning the allegations will convene at the earliest convenience, but no later than ten (10) days after the complaint has been filed. (A sample written form which must be completed is attached as Exhibit "C").
3. During the inquiry, the alleged offender will be informed of the allegations and provided the opportunity to address the issue. The complainant will be permitted to present evidence and identify witnesses. The appropriate supervisor may be included in such discussion if deemed appropriate by the investigator. The person against whom the complaint has been filed can be accompanied by a union representative or other appropriate individual. However, such representative shall act only in a consultative role to the alleged offender and shall not be allowed active participation in either the informal or formal procedure. Under no circumstances will the complainant be required to meet with the alleged offender; however, such a meeting will take place only by mutual agreement. Both the complainant and the alleged offender may be represented by counsel at their own expense if they so desire.
4. Efforts will be made to resolve complaints informally whenever informal resolution appears possible. If attempts to achieve an informal resolution do not succeed, the complainant and the alleged offender will be informed of the formal procedure as outlined in Part B. These individuals will also be advised of the option of filing the complaint with the Commonwealth of Pennsylvania, Human Relations Commission or the U.S. Equal Opportunity Commission.
5. If no discrimination is found to exist and the complainant is satisfied with the outcome, then no further action is required. If discrimination is found to have

occurred, then the Department Head will issue a written report to the County Commissioners.

## **B. FORMAL PROCEDURE**

1. Where informal resolution is not achieved, or where an individual who believes he/she has experienced discrimination wishes to pursue a formal complaint without utilizing the informal procedure, either party can request a formal review by a panel of three individuals, one of whom will be designated by each County Commissioner. Such a request will be made in writing and will be submitted to the investigator of the informal procedure in the case or, if no informal process has occurred, to the Department Head of the complainant. Within ten (10) work days of the request to deal with the complaint as a formal accusation, the Department Head/investigator of the informal procedure will request that the Commissioner organize a panel to hear the complaint.
2. The panel will commence the hearing within fifteen (15) work days after all its members have been selected and will render its decision within ten (10) work days of the conclusion of the hearing. Standard, written instructions will guide the conduct of the panel hearing.
3. Both parties and appropriate witnesses may present evidence to the panel. Based on the evidence presented, the panel will decide by majority vote whether discrimination has occurred and report its decision in writing to the Commissioners. The chair of the panel will ensure that the complainant and accused are informed in writing of the panel's decision.
4. If there is a finding of discrimination, the panel will consult with the County Commissioners who will take appropriate and/or disciplinary action. In the event that a Commissioner is involved in the complaint, the Commissioner will recuse himself from the matter.
5. If the panel finds that there is no validity to the complaint, the complainant and accused will be so notified in writing. The individuals will also be advised of the option of filing a complaint with the Commonwealth of Pennsylvania, Human Relations Commission or the U.S. Equal Employment Opportunity Commission. The County Commissioners will designate a representative to meet with the alleged offender for the purpose of remedying the alleged discrimination. The representative may discipline the employee if the representative determines the discrimination so warrants. The findings of the investigation will remain confidential and only be disseminated upon the direction of the complainant.

## **C. EXTERNAL AVENUES OF APPEAL (AGENCIES TO WHICH APPEALS MAY BE FILED)**

Further Appeal Steps

In the event that the complainant has not been satisfactorily resolved via the aforementioned appeal procedures, the employee is further advised that he/she is entitled to submit claims to Federal and/or State agencies as follows:

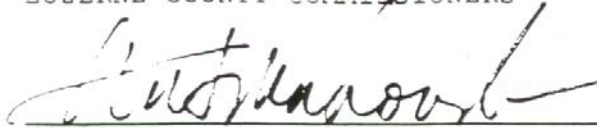
**EXTERNAL AVENUES OF APPEAL**  
**(AGENCIES TO WHICH APPEAL MAY BE FILED)**

Equal Employment Opportunity Commission.....300 days  
PA Human Relations Commission.....180 days  
PA Department of Labor and Industry..... 90 days

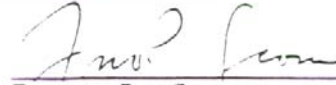
The written policy which all employees should follow in making a confidential complaint of sexual harassment is attached hereto.

**LUZERNE COUNTY COMMISSIONERS**

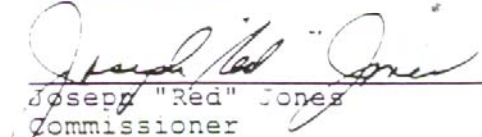
LUZERNE COUNTY COMMISSIONERS

  
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Thomas A. Makowski, Esq., Chairman  
Commissioner

January 3, 1996  
Date

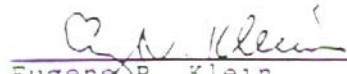
  
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Frank P. Crossin  
Commissioner

January 3, 1996  
Date

  
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Joseph "Red" Jones  
Commissioner

January 3, 1996  
Date

ATTEST:

  
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Eugene R. Klein  
Chief Clerk/Administrator

The preceding policy statement and procedure was passed by a unanimous vote of the Luzerne County Commissioners on December 20, 1995, and affirmed unanimously by the current Board of Commissioners, listed above, on January 3, 1996.