

# **COUNTY OF ERIE**

## **PERSONNEL POLICIES & PROCEDURES**

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**SUBJECT:**               **SEXUAL HARASSMENT**

**DISTRIBUTION:**    ELECTED OFFICIALS, JUDGES, DEPARTMENT HEADS

**FROM:**                PETER J. CALLAN, DIRECTOR OF PERSONNEL

**EFFECTIVE DATE:** DECEMBER 1, 1991;  
                              REVISED:    AUGUST 1, 1999; DECEMBER 28, 2001,  
                              SEPTEMBER 22, 2003; NOVEMBER 13, 2003

**POLICY NUMBER:** 21

### ***AUTHORITY***

In accordance with Article VII, Section 1-C of the Home Rule Charter and Section 6 of the Personnel Code this policy and procedure is being instituted.

### ***RESPONSIBILITY***

It is the collective responsibility of Elected Officials, Judges, Department Head Supervisors, and employees to maintain a working environment that is void of sexual harassment. The Executives of County Government consider disrespectful, or unwelcome sexual harassment actions or communications to be serious wrongs against individual rights and dignity and will not be tolerated and will be remedied by disciplinary action, up to and including discharge, if warranted.

### ***SEXUAL HARASSMENT DEFINED and DESCRIBED***

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Inappropriate touching, sexual advances, requests for sexual favors, sexual innuendoes, sexual jokes, and/or other words, behavior or conduct in the workplace that are sexual in nature can be forms of sexual harassment.

The words, behavior or conduct must be unwelcome and offensive to the employee (recipient) and be part of a workplace situation in which:

- acceptance or rejection of the conduct by the employee will affect his/her employment
- the conduct unreasonably interferes with the employee's work
- the conduct creates an intimidating "hostile" environment

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Sexual harassment can be committed by either sex, against the opposite sex or the same sex. It can occur in the workplace or away from the workplace while on company business or at a function that is quasi-company business. It can be committed by a supervisor, a co-worker, non-employee or an agent of the employer.

Also encompassed in sexual harassment are: display of things, pictures or printed material of a sexual nature that is unsolicited or unwelcome or which the recipient or an observer considers to be offensive or objectionable or causes a feeling of being uncomfortable, embarrassed or humiliated, or which causes a disruption or interference with the recipient's or observer's efforts to fulfill his/her work responsibilities.

### ***PROCEDURE for RESOLVING INCIDENTS of SEXUAL HARASSMENT***

A recipient or observer of sexual harassment must inform the offending party of their objection to the sexual harassment acts or comments and request that the perpetrator cease and desist the sexual harassment conduct. The perpetrator has the obligation to immediately cease and desist the sexual harassment conduct. If the perpetrator does not cease and desist, the offended party should report the situation to a supervisor or department head. If the offending party feels uncomfortable in making a complaint to a supervisor or department head he/she can file a verbal or written complaint with the Director of Personnel.

The informed supervisor or department head will immediately consult with the Director of Personnel or if informed directly, the Director of Personnel will consult with the cognizant supervisor or department head and together they will develop an action plan for resolving the situation. If they determine that a formal investigation is warranted, an investigation will be conducted. An evaluation of the investigation findings will determine the degree of discipline or kind of corrective action that is appropriate for the situation.

Retaliatory actions toward an individual who expressed an objection or dislike for sexual harassment, conduct or comments will be considered as serious wrongful action and will be dealt with accordingly.

### ***CONFIDENTIALITY***

All information relating to a sexual harassment case will be considered confidential and only individuals who have a legitimate need to know are to be informed.