

**9556. RESOLUTION 07-11 AUTHORIZING AN AMENDMENT TO THE AUTHORITY'S PERSONNEL MANUAL**

WHEREAS, The Delaware River and Bay Authority (the "Authority") is committed to excellence in public employment; and

WHEREAS, the Authority has adopted a Personnel Manual providing general descriptions and guidelines concerning the Authority's personnel policies and practices; and

WHEREAS, the Authority reviews and amends the Personnel Manual from time-to-time; and

WHEREAS, the Authority's Personnel Committee has reviewed the proposed amendment and recommends its consideration to the full Board; and

WHEREAS, the Authority has determined that it is in the Authority's best interest to amend its Personnel Manual by inserting this new section.

NOW THEREFORE, BE IT RESOLVED, that the Authority's Equal Employment Opportunity and Anti-Harassment Policy contained in Section III on page 5 of the Authority's Personnel Manual is hereby amended deleting this section and replacing it in its entirety with text attached hereto.

A motion to approve Resolution 07-11 was made by Commissioner Dorn, seconded by Commissioner Favre, and approved by a roll call vote of 10-0.

[Attachment]

## **The Delaware River and Bay Authority**

### **III. EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-HARASSMENT POLICY**

#### **EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The Authority's goal is to recruit, hire, and maintain a diverse workforce. Equal employment opportunity is not only good business—it's the law and applies to all areas of employment, including recruitment, selection, hiring, training, transfer, promotion, termination, compensation, and benefits.

As an equal employment opportunity employer, the Authority does not discriminate in its employment decisions on the basis of race, color, national origin, ancestry, age, disability, gender, pregnancy, childbirth or related medical conditions, or any other status or condition protected by applicable law.

#### **POLICY AGAINST HARASSMENT**

##### **Purpose**

The purpose of this policy is to create an environment free from unlawful discrimination and harassment, including sexual harassment, based on race, color, national origin, ancestry, age, disability, gender, pregnancy, childbirth or related medical conditions, or any other status or condition protected by applicable law. It is expected that all relationships among the employees of the Delaware River and Bay Authority will be on a professional level and free of bias, prejudice, and harassment.

##### **Scope**

The Authority is committed to a workplace in which all employees are treated with respect and dignity. Harassment undermines the integrity of the employment relationship, impacts employee morale and interferes with workplace productivity. Harassment of employees will not be tolerated. Harassment of employees by non-employees in the workplace will also not be tolerated.

##### **Policy**

#### **1.0 Definition and Examples of Harassment**

##### **1.1 Definition of Harassment**

Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment that interferes with an employee's work performance. Such conduct constitutes harassment when:

- a. submission to the conduct is made either an explicit or implicit condition of employment;

- b. submission to or rejection of the conduct is used as the basis for an employment decision; or
- c. the harassment has the purpose or effect of interfering with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

## **1.2 Examples of Harassment**

Harassing conduct can take many forms and includes, but is not limited to the following: slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawings, or cartoons based upon an employee's race, color, national origin, ancestry, age, disability, gender, pregnancy, childbirth, or related medical conditions or other categories protected by law.

## **1.3 Examples of Sexual Harassment**

Sexually harassing conduct in particular includes prohibited harassment actions as well as other unwelcome conduct, such as: unwelcome sexual flirtations, advances, or propositions; verbal abuse of a sexual nature; subtle pressure or requests for sexual activities; unwelcome leering, staring, whistling, brushing against the body, sexual gestures, suggestive or insulting comments; graphic comments about an individual's body; a display in the workplace of sexually suggestive objects or pictures; sexually explicit or offensive jokes; or physical assault. Sexually harassing conduct can be by a person of either the same or opposite sex.

## **2.0 Harassment Complaints**

### **2.1 Reporting Harassing Conduct**

The Authority understands that victims of harassment are often embarrassed and reluctant to report acts of harassment for fear of being blamed, concern about being retaliated against, or because it is difficult to discuss such matters openly with others. However, no employee should have to endure harassing conduct, and the Authority strongly urges employees to promptly report any incidents of harassment so that corrective action may be taken.

Any incidents of harassment, including work-related harassment by any Authority employee or any other person, should be reported as soon as possible to the employee's immediate supervisor and/or to the Human Resource (HR) Generalist responsible for the employee's business unit.

An employee is not required to complain to the person who is harassing the employee. The employee's immediate supervisor and/or HR Generalist who received the complaint or who observed harassing conduct shall immediately inform the EEO/Recruitment Manager and the Chief Human Resource Officer (CHRO) so that an investigation may be initiated. The complaint shall be recorded by the EEO/Recruitment Manager and the CHRO on the form attached with this Policy.

## **2.2 Investigation of Harassment Complaints**

Every reported complaint of harassment will be investigated thoroughly and promptly. After the harassment complaint has been reported to the EEO/Recruitment Manager and the CHRO, a designated Authority official qualified to conduct internal investigations (i.e. EEO/Recruitment Manager, Human Resources Manager, or qualified, outside investigator) will:

- (1) interview the employee who lodged the harassment complaint to obtain complete details regarding the alleged harassment;
- (2) interview anyone who is alleged to have committed the acts of harassment to respond to the claims; and
- (3) interview anyone who may have witnessed or who may have knowledge of the alleged harassment.

All investigations of harassment claims shall be conducted in a way that respects, to the fullest extent possible, the privacy of individuals involved. Investigations shall be conducted in a prompt, thorough and impartial manner.

A factual conclusion and recommendation shall be made by the investigator and forwarded to the CHRO within fifteen (15) business days from the report of harassment.

Based on the factual findings and recommendation of the investigator, the CHRO will make a final determination regarding actions to be taken as a result of the investigator's findings. The final determination shall be completed within ten (10) business days after the factual findings and recommendation have been received.

## **2.3 Status Updates and Follow-Up Meeting**

The CHRO shall conduct a follow-up meeting with the employee who filed the harassment claim to provide the final determination, and to ensure there is no reoccurrence or retaliation by anyone against an employee for reporting or alleging harassment. The final determination shall be provided in written form and shall remain confidential.

## **2.4 Corrective Action**

Any employee found to have violated portion(s) of this policy may be subjected to appropriate administrative, disciplinary and/or corrective action which may include, but is not limited to referral for training, referral for counseling, verbal or written reprimand, suspension, reassignment, demotion or termination of employment.

Violations of this Policy by duly-appointed police officers shall be handled in accordance with the Delaware River and Bay Authority Police Department's Rules and Regulations Manual.

## **2.5 Representation for Union Members**

Nothing in this Policy shall prohibit employees governed under the terms of a Collective Bargaining Agreement from having a Union representative present at any step detailed in Section 2 of this Policy.

## **3.0 Protection from Retaliation**

### **3.1 Retaliation Prohibited**

The Authority's mission can only be accomplished in an environment that promotes integrity, honesty, and open communication which is free from any form of harassment or retaliation. Retaliation on the part of managers and /or employees against any employee for reporting a real or perceived incident involving alleged harassment, or for participating in the investigation of any such allegations will not be tolerated.

## **4.0 Training**

### **4.1 Training for all Employees**

The Authority shall provide all new employees with harassment training, (typically conducted during new employee orientation), within a reasonable period of time after the date of hire. The Authority shall provide periodic harassment training to all employees including supervisors and managers to reiterate the importance of maintaining a harassment-free workplace.