

# TOWN OF NEW HAVEN

## EQUAL EMPLOYMENT OPPORTUNITY POLICY

### **I. Discrimination Definition**

Discrimination occurs when an employee is treated less favorable than similarly situated employees because of race, sex, age, national origin, disability and/or other factors. The difference in treatment can be either blatant, such as direct verbal assaults, jokes, slurs and innuendoes, or subtle, such as job assignments, training, benefits, and/or promotions. Today, it seems that employment discrimination may be more of the subtle, rather than the blatant form.

The three principle federal laws that collectively protect employees from discrimination are:

- The Civil Rights Act of 1964 – makes it illegal to discriminate against an employee based on race, sex, religion or national origin.
- The Age Discrimination in Employment Act – makes it illegal to discriminate against an employee based on their age.
- The Americans with Disabilities Act (ADA) – makes it illegal to discriminate against an employee based on disability.

Various other federal and state laws prohibit discrimination based on other factors. For example, New York Executive Law (Section 296 of the Human Rights Law) prohibits discrimination based on marital status. These laws may also protect employees against retaliation for complaining about discrimination.

The Town of New Haven is an Equal Opportunity Employer. Discrimination on the basis of race, color, sex, religion, age, national origin, marital status, disability or veteran status will not be tolerated.

This policy applies to all terms and conditions of employment, including but not limited to employment advertising, hiring, placement, compensation, training, promotion, demotion, termination, layoff, transfer, disciplinary actions, leave of absence or any other benefits. Discrimination based on any of the above is strictly prohibited and any supervisor, administrator or employee who engages in or tolerates such behavior is subject to disciplinary action in accordance with the Civil Service Law, collective bargaining agreements or any other applicable State or Federal Laws.

### **II. Dissemination of Policy**

This policy, and any changes or amendments thereto, shall be posted conspicuously throughout the Town building or buildings in a manner reasonably expected to be visible to employees of the Town. Each employee shall be required to sign a document indicating that they have received a copy of the

policy at the time of hire and when additions or changes are enacted. If an employee refuses to accept the policy or refuses to sign a document verifying receipt thereof, the Town Clerk shall arrange for delivery of a copy of the policy either in person or by mail to such employee and shall prepare and maintain an affidavit of service setting forth the date and method by which such service was accomplished upon such employee.

### **III. Reporting of Complaints**

- A. An employee who believes that they have been the subject of discrimination from another employee should file a written complaint with the Town Supervisor of the Town of New Haven at 4279 State Route 104 in the Town of New Haven within 30 days of the incident in order to allow proper investigation thereof.
- B. Within a reasonable time after receipt of a written complaint regarding discrimination, the Town Supervisor shall provide the complainant written acknowledgement of receipt of the complaint and a copy of this policy setting forth the procedure which will be followed in order to investigate such complaint. In the event that the Town Supervisor is alleged to be the discriminator, such complaint shall be submitted to the Deputy Town Supervisor, and it shall be the duty of the Deputy Town Supervisor to fulfill all of the requirements of the Town Supervisor in the investigation and resolution of a discrimination allegation.
- C. Within a reasonable time after receipt of a written notice of discrimination, the Town Supervisor shall take the following steps as the Town Supervisor shall deem appropriate:
  - i. Meet with the employee who alleges having been discriminated against for a private, informal conference to review the nature, extent, facts and circumstances of the allegations.
  - ii. Request a meeting with the alleged discriminator in person to discuss the allegations, facts and circumstances of the alleged discrimination.
  - iii. Conduct a formal hearing, in private, with at least one (1) additional board member, preferably of the opposite gender from that of the Town Supervisor, if possible, and, if deemed appropriate, the Town Attorney. These persons shall constitute the panel which will investigate the allegation. The panel shall meet to determine whom the panel deems it necessary and appropriate to question regarding the discrimination allegations and shall send a written request, via regular mail, to such persons requesting their attendance at a hearing and advising such persons of the date, time and place, as well as the purpose, of such hearing.
  - iv. Such hearing shall be conducted in private. It shall be the decision of a majority vote of the panel members whether to allow the complainant, the alleged discriminator or any

of the witnesses to be present in the hearing room at the time of the hearing. It shall be the further decision by a majority vote of the panel members whether to record the testimony by stenographer, electronic video and/or audio recording, or otherwise.

- v. As such hearing is not a judicial hearing, full evidentiary rules of evidence and due process shall not apply unless required by a vote of majority of the panel members.
- vi. The panel shall be permitted to make their determination regarding the validity and accuracy of the complainant's complaint based upon the verbal and written evidence provided to them during the hearing, their observation of the witnesses, their determination of the credibility of the witnesses and the weight to be given to the testimony of such witness based upon the panel members' observations of the witnesses during testimony. The panel may further give whatever weight they deem appropriate to a refusal of the complainant, the alleged discriminator or any other witness to testify at the hearing.
- vii. The panel shall render a decision regarding the validity and extent of the discrimination within a reasonable time after the conclusion of the hearing. Such determination will be provided in writing to the complainant and the alleged discriminator. The results of the hearing shall not be made public by the panel members.

#### **IV. Discipline**

- A. Upon determination by the panel that discrimination has occurred, the panel shall determine a reasonable and appropriate course of discipline for the discriminator as follows:
  - i. A copy of the written determination of the panel shall be placed in the personnel file of the discriminator if the discriminator is deemed to have discriminated against the complainant.
  - ii. The panel shall recommend to the Town Board of the Town of New Haven appropriate discipline for the discriminator which may include the following:
    - Verbal reprimand;
    - Written reprimand;
    - Inclusion of written reprimand in the personnel file of the discriminator;
    - Suspension from employment without pay for a period of time recommended by the panel and deemed appropriate by the Town Board of the Town of New Haven;
    - If recommended by the panel, permanent termination of employment of the discriminator by the Town Board of the Town of New Haven if determined appropriate by the Town Board.

## **V. False Reporting**

In the event that the panel determines that a complainant has willfully made a false report of discrimination, the panel will follow similar steps regarding investigation, hearing and determination and may recommend similar discipline of the employee to the Town Board of the Town of New Haven as provided in the case of an alleged discriminator.

## **VI. Retaliation**

Retaliation on the part of the alleged discriminator, the complainant, or co-workers will not be tolerated. Alleged retaliation should be reported in the same manner as discrimination. The panel will follow similar steps regarding investigation, hearing and determination and may recommend similar discipline of the employee to the Town Board of the Town of New Haven as provided in the case of an alleged discriminator.

**TOWN OF NEW HAVEN**

EQUAL EMPLOYMENT OPPORTUNITY POLICY

I, \_\_\_\_\_ (print name) have received and read a copy of the Town of New Haven's Equal Employment Opportunity Policy.

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Signature

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Date