

**BOROUGH OF SHIP BOTTOM
ANTI-WORKPLACE HARASSMENT TRAINING**

By signing below, I certify the following:

- I have watched the following online workplace harassment videos prepared by the NJMEL:
 - No Tolerance (Employment Practices)
 - The Rights and Duties of an Employee in Local Government
 - Employment Practices Liability

- I have been provided a copy of the following Borough policies: (i) General Anti-Harassment Policy; (ii) Anti-Workplace Harassment Policy Including Sexual Harassment; (iii) Whistle Blower Policy; (iv) Employee Complaint Policy; and (v) Employee Complaint Investigation Procedure. These policies are copied on the following pages and are contained in the Ship Bottom Employee Handbook and Policies and Procedures Manual.

- I understand that if I am subjected to harassment or a hostile work environment of any kind, I must report it to a supervisor with whom I am comfortable.

- As of the date I sign this document, I have not been subjected to retaliation, harassment or a hostile work environment of any kind, or, if I have been, I have reported it.

Signature

Date

Print Name

GENERAL ANTI-HARASSMENT POLICY

It is the Borough's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, gender identity or expression, liability for service in the United States armed forces, and/or any other characteristic protected by law. Harassment of non-employees by our employees is also prohibited. While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings, or images, and other similar verbal written, printed or physical conduct.

If an employee is witness to or believes to have experienced harassment, immediate notification of the supervisor or other appropriate person should take place.

Harassment of any employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to the supervisor. Appropriate action will be taken against any non-employee.

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility of all employees to bring those kinds of problems to attention of the appropriate officials so that steps are taken to correct them.

Violation of this harassment policy will subject employees to disciplinary action, up to and including immediate discharge.

ANTI-WORKPLACE HARASSMENT POLICY, INCLUDING SEXUAL HARASSMENT

The Borough has a strong commitment to provide a work environment free from unlawful harassment based on sex, affectional or sexual orientation, race, color, religion, national origin, age, disability, pregnancy (including pregnancy related medical condition), childbirth, ancestry, atypical hereditary cellular or blood trait (AHCBT), liability for service in the Armed Forces of the United States, creed, handicap, marital status, familial status, genetic information, refusal to submit to genetic testing, refusal to provide genetic information, or nationality of that person or that person's spouse, partners, members, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers, or other characteristic protected by law (collectively the "protected classifications"). The Borough will not tolerate unlawful harassment. Acts or incidents of unlawful harassment should be promptly reported in accordance with the procedures outlined below. The Borough will promptly investigate all reports of unlawful harassment. Employees who violate this Policy will be subject to disciplinary action up to and including termination from employment. Employees who violate this Policy also risk personal legal liability.

This policy shall apply to all employees of the Borough and to any individuals who serve as volunteers, as well as to officials, appointees, and outside contractors and/or vendors of the Borough.

PURPOSE:

To ensure all employees of the Borough a work environment free of any type of unlawful discrimination, including freedom from harassment on the basis of any protected classification.

PROVISIONS:

1. **Improper Conduct:** Instances that may violate the Borough's policy against harassment and which may result in disciplinary action include the following:
 - *Unwelcome remarks and actions based on the protected classifications.* This may include, but is not limited to, inappropriate jokes, comments or posted materials.
 - *Threats or suggestions that an employee's employment work status will be adversely affected based upon the protected classifications.*
 - *Affecting or denying employment opportunities or benefits to an employee based upon the protected classifications.*
 - *Engaging in a negative tangible employment action based upon the protected classifications.*

- *Retaliation against an employee who has reported an alleged violation of this Policy or participated in an investigation related to this Policy.*

2. **Sexual Harassment:** An important note must be made with respect to sexual harassment. : Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

- Submission is made explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of the harassing conduct is threatened to be used as the basis for an employment decision affecting the individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment is *unwelcome* sexual attention which is demeaning and causes the recipient distress. Comments or behavior which may be intended to be complimentary may be viewed by the recipient as unwelcome and a form of sexual harassment.

Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, caricatures or representations of persons using electronically or physically altered photos, drawings, or images; notes or invitations; and/or, physical conduct (touching, assault, impeding or blocking movements).

If an employee is witness to or believes that the employee has experienced sexual harassment, they must immediately notify their supervisor or other appropriate person. See Complaint Procedure.

Harassment of Borough employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to their supervisor. Appropriate action will be taken against any non-employee.

Notification by employees to appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it is reported. Therefore, it is the

responsibility of all employees to bring those kinds of problems to the attention of management so that steps are necessary to correct them.

3. **Supervisory Personnel:** Every supervisor is responsible for preventing and reporting unlawful harassment. Failure to take action to stop unlawful harassment may be grounds for disciplinary action. Special care must be exercised by supervisors and managers whose actions or remarks may be mistakenly perceived as unlawful harassment. The subordinate may feel inhibited and may not disclose the unwelcome actions or remarks by the supervisor or person of higher rank. Unlawful harassment is not limited, however, to employees of different rank.
4. **Complaint Procedure:** Any employee who feels that he or she has been subject to harassment or has knowledge of a violation of this Policy should report the incident directly to their supervisor. If circumstances prevent reporting the incident directly to the employee's supervisor, the employee should report the incident to any other supervisory employee with whom you feel comfortable reporting your complaint. One of the designated individuals must be promptly advised of such complaint. If the complaint involves a direct supervisor, the employee is not required to complain to that direct supervisor. The complaint should then be made to any of the other above-mentioned individuals. A complaint of harassment shall be investigated in a timely manner.
 - A. The complaint filed must include the following information:
 - (1) The name and department of the complainant;
 - (2) The name and department of the charged party;
 - (3) The nature and circumstances, in detail, of the alleged harassment, including but not limited to the injuries or consequences suffered by the complainant, the names of any witnesses to such actions and the duration of the actions questioned; and
 - (4) Whether such harassment has been previously reported to a supervisor or other person, and if so, when and to whom.
 - B. Nothing in this section shall prevent the complainant from providing other information or documents he/she believes are essential to the fair adjudication of their case.
 - C. The initial complaint may be made orally or in writing. If the complaint is made orally, same shall be reduced to a written document, which shall, if it is deemed accurate, be signed by the complainant. If an individual is uncomfortable making a written complaint, the Borough may proceed with its investigation without a formal written complaint.
5. **Investigation Procedure:** Once a complaint has been registered or a

harassment situation has become known to the Borough, a prompt, fair and thorough investigation will be conducted to determine the meritorious character of the complaint.

If the Borough determines that unlawful harassment has occurred in violation of this Policy, the individual who engaged in such harassing conduct shall face immediate and appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges made against the individual and disciplinary action involving the individual. Disciplinary action may include being suspended without pay pending a hearing, a written warning, suspension, demotion, or termination of employment.

6. **Privacy**: The Borough encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result against such complaining individual as a result of the good faith reporting of harassment. In addition, anyone who assists in the filing of a complaint or in the investigation of a claim of harassment will be protected from reprisals and retaliation. Reprisal or retaliation may be the basis of a separate complaint, even if the complaint of harassment may be found to be without merit.

To the fullest extent possible, and so long as it does not inhibit the conducting of an investigation, all persons involved with a harassment complaint will be given the utmost protection of privacy.

7. **Borough Liability**: Since the Borough prohibits harassment of its employees in any form, any individual charged with harassment in a civil action or by way of an administrative complaint may be solely responsible for paying all costs of defense and/or any damages resulting therefrom which are awarded by any proper court of law or after an administrative hearing.

8. **False Accusations**: Since a charge of harassment is a grave and serious one, false accusations of harassment are, and will be treated as, a disciplinary offense and will result in a level of punishment appropriate for a person engaging in such behavior.

Any employee with questions regarding the Borough Anti-Harassment Policy may contact their supervisor or the Borough Administrator.

WHISTLE BLOWER POLICY

The Borough recognizes its obligations under the New Jersey Conscientious Employee Protection Act ("CEPA") and all employees are urged to immediately report any perceived violations of law or violations of public policy to their immediate supervisor. The supervisor shall be required to report this action to the Department Head who will institute remedial steps. Should the department head fail to take action, or if the employee is reasonably certain that the immediate supervisor has neglected to report his complaint to the higher Borough official, the employee shall report the violation directly to the Borough Administrator.

In the event that the policy or practice is a clear violation, and the employee has a reasonable certainty that the abuse is known to his superiors and fears retaliation, said employee shall have the right to disclose same to the Borough Council members. The Borough shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:

- Disclosing or threatening to disclose to a supervisor, Department Head, the Borough Administrator, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;
- Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

In accordance with the statute, the employee must bring the violation to the attention of the Borough Administrator. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form. Under the law, the employee must give the Borough a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy. The Borough recognizes that an employee or former employee retains his/her right to institute a civil action against the Borough for a CEPA violation within one (1) year and to seek relief under the CEPA Act.

EMPLOYEE COMPLAINT POLICY

Employees who observe actions they believe to constitute harassment, including sexual harassment, or any other workplace wrongdoing should immediately report the matter to their supervisor, or, if they prefer, or do not think that the matter can be discussed with their supervisor, they should contact the Department Head, or the Borough Administrator. Reporting of such incidents is encouraged both when an employee feels that he or she is subject to such incidents, or observes such incidents in reference to other employees. Employees should report incidents in writing, but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

No employee will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a goodfaith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining employee will be notified of a decision at the conclusion of the investigation within a reasonable time from the date of the report an incident.

EMPLOYEE COMPLAINT INVESTIGATION PROCEDURE

Employees have the right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that they believe to be improper.

- **Reporting:** Employees should report complaints in writing, but are not compelled to do so.
- **Identification/Screening:** The Supervisor or Department Head must report all written or verbal complaints to the Borough Administrator unless the complaint is against the Borough Administrator. Upon receipt, the Borough Administrator will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. As soon as possible after receiving the complaint, the Borough Administrator or investigator appointed by the Borough Administrator will interview the employee. If the employee is reluctant to sign a written complaint, the Borough Administrator or investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing the information's accuracy.
- **Investigation - Response Plan:** If the investigation reveals that the complaint is justified and substantiated, the Borough Administrator will formulate a corrective action plan as well as possible disciplinary action. The complaining employee will be notified, in writing that it appears that the complaint was justified and an appropriate response plan has been formulated. A copy of the response plan should be attached to the letter. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.