



EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-DISCRIMINATION /ANTI-HARASSMENT POLICY

PURPOSE:

Albany Public Library (the “Library”) is an equal opportunity employer. It is also a primary focus of the Library to provide a safe, non-discriminatory workplace for all employees to foster a productive environment conducive to providing high quality service to our customers.

POLICY:

Any discrimination or harassment on account of race, creed, color, national origin, sexual orientation, military status, sex, age, marital status, domestic violence victim status, disability, pregnancy-related condition, predisposing genetic characteristics, prior arrest or conviction record, familial status, retaliation for opposing unlawful discriminatory practices, or membership in any other category or class protected under the law will not be tolerated.

A. Equal Opportunity Employer

All employment decisions and personnel actions at the Library are administered without regard to race, creed, color, national origin, sexual orientation, military status, sex, age, marital status, domestic violence victim status, disability, pregnancy-related condition, predisposing genetic characteristics, prior arrest or conviction record, familial status, retaliation for opposing unlawful discriminatory practices, or any other category or class protected by federal, state, or local laws. All employment decisions and personnel actions, such as hiring, promotion, compensation, benefits, and termination, are and will continue to be administered in accordance with, and to further the principle of, equal employment opportunity.

B. Procedure for Reporting Discrimination and/or Harassment

If any employee believes that the actions or words of a manager/supervisor, fellow employee, customer, vendor or other individual in the workplace constitutes unlawful harassment or discrimination, the employee has a responsibility to promptly report that behavior to a representative of the Library.

Any individual who believes he/she has been the victim of any form of discrimination, including harassment, shall promptly give notice of his/her claim to Human Resources Manager or to any supervisor at the Library. Employees may formally or informally complain, orally or in writing, and are not required to complain within their chain of command. Prompt reporting enables the Library to stop the discrimination, including harassment, before it becomes severe or pervasive.

Furthermore, employees are encouraged to promptly report all alleged incidents of harassment, even if someone else is a possible victim.

All complaints of discrimination, including harassment, will be reviewed and investigated promptly and impartially by the Library management and/or its designee. Once management receives notice of any complaint of alleged discrimination, including harassment, it will swiftly determine whether

or not a fact-finding investigation is necessary. If it is determined that a fact-finding investigation is necessary, it will be launched promptly. If necessary, intermediate measures may be taken before completing the investigation to ensure that further discrimination, including harassment, does not occur. Moreover, the Library will protect the confidentiality of the allegations to the extent possible. The complaining party will be given notice of the outcome of the investigation of any formal or informal complaint.

An individual who believes he/she has been the victim of any form of discrimination, including harassment, also has the option of filing a complaint with the New York State Division of Human Rights (DHR) and/or the Equal Employment Opportunity Commission (EEOC).

C. Discipline and Remedial Action

Please note that while this policy sets forth the Library's goals of promoting a workplace that is free from harassment, the policy is not designed nor intended to limit the Library's authority to discipline or to take remedial action for workplace conduct it deems unacceptable, regardless of whether that conduct satisfies the legal definition of harassment.

Corrective or disciplinary action will be taken against any manager/supervisor, employee, customer, vendor, or other individual in the workplace, found to have engaged in conduct or behavior violating this policy, whether it was caused intentionally, or by actions or conduct that have a discriminatory effect. Such action may include counseling and/or appropriate disciplinary measures, up to and including, termination.

D. Anti-Retaliation Policy

It is unlawful to retaliate against an employee for filing a complaint of illegal harassment or for participating in an investigation of a complaint. The Library will not tolerate any such retaliatory conduct. If any employee believes that he or she has been subjected to retaliation for having brought a complaint or participated in an investigation of harassment, that employee is encouraged to report the situation as soon as possible to Human Resources Manager, to his or her direct supervisor, or to any other the Library supervisor.

E. Sexual Harassment Prevention Policy

All employees have the right to be free from sexual advances or any other verbal or physical conduct that constitutes sexual harassment. Sexual harassment, whether by management, supervisory personnel, or nonsupervisory personnel, is unlawful and will not be tolerated.

Because the Library takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment, where it is determined that such inappropriate conduct has occurred. The Library will act promptly to eliminate the harassment and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth the Library's goals of promoting a workplace that is free of sexual harassment, the policy is not designed nor intended to limit the Library's authority to discipline or to take remedial action for workplace conduct we deem unacceptable, regardless of whether that conduct satisfies the legal definition of sexual harassment.

Sexual harassment is defined as sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature where: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for

employment decisions; or (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

These definitions include any direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits or continued employment, as well as any sexually-oriented conduct that is unwelcome and has the effect of creating a workplace environment that is hostile to male or female workers.

Examples of conduct that, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness, include the following:

- either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching a sexual part of an employee's body or any part of an employee's body in a sexual or sexually suggestive manner;
- touching any part of an employee's body after that person has indicated, or it is known, that such physical contact is unwelcome;
- continuing to ask an employee to socialize on or off-duty when that person has indicated she or he is not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- regularly using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- derogatory or provoking remarks about or relating to an employee's gender, sexual activity or sexual orientation;
- coerced sexual acts.

The responsibility to investigate complaints of harassment has been assigned to the Human Resources Manager. Any employee who believes that he or she has been the subject of harassment should report the alleged act to Human Resources Manager, to his and her direct supervisor, or to any other the Library supervisor, as soon as possible. They are available to discuss any concerns employees may have and to provide information about the Library's policy on sexual harassment and the complaint process. Employees should not allow an inappropriate situation to continue by not reporting it regardless of who is creating the situation.

An investigation of any such complaint will be undertaken promptly in the manner and method listed above.

Reasonable Accommodation for Disability and/or Religious Observance

The Library is committed to providing equal employment opportunities to its disabled applicants and employees in compliance with the federal Americans with Disabilities Act and New York state law. The Library will provide a reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability unless the accommodation would impose an undue hardship on the operation of its business. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact Human Resources Manager.

The Library is also committed to providing equal employment opportunities to its applicants and employees with sincerely held religious beliefs that require them to adhere to observances which may conflict with their work scheduled and/or the Library policy. The Library will provide a reasonable accommodation to the known needs of individual with a sincerely held religious belief unless the accommodation would impose an undue hardship on the operation of its business. Employees with a sincerely held religious belief who believe they need a reasonable accommodation to maintain a religious observance should contact Human Resources Manager.

In general, an employee that has a need for an accommodation should express that need, preferably in writing and in advance of the specific need, to their manager or the Human Resources Office. The request should include the details of why the accommodation is needed, how the accommodation will allow the employee to perform the essential functions of the job or meet a necessary religious observance, the specific details of the requested accommodation and any alternatives, and the expected duration of the accommodation. The Library may request additional documentation if needed. The employee should expect to participate in a dialogue with the Human Resource Office to address the requested accommodation.

The Library encourages qualified individuals with disabilities and/or sincerely held religious beliefs to come forward and request reasonable accommodations.

RESPONSIBILITY:

It is the joint responsibility of all employees to ensure that the workplace is free from discrimination and harassment. Inquiries regarding this policy or requests for a printed copy should be directed to: Executive Director, Albany Public Library, 161 Washington Avenue, Albany, NY 12210, (518) 427-4300.

APPROVED/REVIEWED

Adopted: June 2015
Amended: October 2018