

OFFICE OF THE COUNTY EXECUTIVE

11 New Hempstead Road

New City, New York 10956

Phone: (845) 638-5122

Fax: (845) 638-5856

Email: CountyExec@co.rockland.ny.us

Edwin J. Day

Rockland County Executive

February 14, 2025

To: All Commissioners, Department Heads, and Appointing Authorities

From: Ed Day, County Executive

Re: Executive Order 2025-01: Amendment of Executive Order 2023-01 and No. 2019-02
Anti-Discrimination and Equal Employment Opportunity Policy

Purpose of the Executive Order

Rockland County's Anti-Discrimination and Equal Employment Opportunity Policy (hereinafter referred to as the "Policy") establishes: (1) The policies and procedures pertaining to (i) the prohibition of discrimination based upon a person's real or perceived membership in a protected characteristic/class; (ii) the prohibition of sexual harassment; and (iii) other statutory anti-discrimination laws; (2) the complaint and investigation process; (3) protections against retaliation for filing a complaint and/or participating in an investigation pursuant to this Policy; and (4) reasonable accommodations the County may provide for qualified individuals with a disability, persons with sincerely-held religious beliefs and practices, pregnant persons, nursing employees, and victims of domestic violence. The policies and procedures outlined herein apply to County employees and other individuals who associate with the County and its employees, as well as certain officials and non-employees, unless otherwise stated. The applicability of this Policy is detailed in the Policy requirements.

Implementation

The most recent version of the Policy is maintained on file with the Office of the County Executive. In addition, the most recently filed Policy is incorporated into this Executive Order by reference. The latest Policy shall be on file, in hardcopy, in each department/agency and available to any employee or covered non-employee within the department/agency upon request.

The latest version of the Policy shall be posted on the County's website <http://rocklandcountyny.gov> at Departments>Personnel>For County Employees>Office of Employe Rights and Relations.

For County Intranet users (internal for County employees with computers) the Policy will be accessible at: RCWEB>Policies and Procedures>Current County Executive Orders.

All department heads/commissioners/appointing authorities/supervisors/managers/other County officials and all other employees shall be provided with access to the Policy and are required to acknowledge receipt and review of the Policy during annual training.


Re-Evaluation and Renewal

This Policy shall be re-evaluated no later than January 2029, and every four years thereafter. This mandatory review requirement does not preclude the amendment of the Policy at any time. All amendments must be approved in writing by the County Executive. Re-evaluation shall be conducted by the Department of Personnel.

Any individual covered by the Policy who is found to have violated the Policy may be subject to discipline in accordance with Civil Service Law, the County's workplace conduct standards, and/or collective bargaining agreements as deemed appropriate by the responsible department/agency, up to and including termination from employment. In the case of certain violations of this Policy, the Department of Personnel and/or the County Executive may recommend or require a certain disciplinary consequence. The Department of Personnel and/or the County Executive may also recommend remedial measures. Non-employee offenders may be subject to consequences.

Scope

As a result of the statutory responsibility of the County Executive to maintain a discrimination and harassment free work environment in all aspects of County employment pursuant to amendments to Section 296 of the New York State Executive Law in 2019, and pursuant to Title VII of the Civil Rights Act, the Pregnancy Discrimination Act, the Equal Pay Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Fair Labor Standards Act, including the Providing Urgent Maternal Protections for Nursing Mothers Act ("the PUMP for Nursing Mothers Act"), the Pregnant Workers Fairness Act, the Genetic Information Nondiscrimination Act, the New York State Labor Law, and any other state and federal laws that may apply, this Policy and the procedures stated herein apply to each County employee, County associate, and officials (as these terms are defined herein in Appendix H, Definitions), not solely to those individuals within the Executive Branch of government.



Edwin J. Day
County Executive

Attachment(s)

cc: Laurence O. Toole, Clerk to Legislature

DEPARTMENT OF PERSONNEL
OFFICE OF EMPLOYEE RIGHTS AND RELATIONS

50 Sanatorium Road, Building A
Pomona, New York 10970
Phone: (845) 364-3742
Fax: (845) 364-3738

Lori Gruebel
Commissioner of Personnel

COUNTY OF ROCKLAND
ANTI-DISCRIMINATION AND
EQUAL EMPLOYMENT
OPPORTUNITY
POLICY

Rev. February 14, 2025

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INTRODUCTION

The County of Rockland's (hereinafter "County") Anti-Discrimination and Equal Employment Opportunity¹ Executive Order (hereinafter referred to as the "Policy") covers all policies and procedures pertaining to the prohibition of discrimination, sexual harassment, and/or retaliation based on a person or persons real or perceived membership with a protected characteristic or in a protected class as specified in federal, state, or local law, or as set forth in any collective bargaining agreement, contract, or policy.

For purposes of this Policy the word "discrimination" includes both discrimination and harassment based on a protected characteristic/class. Protected characteristics/classes are listed below. Sexual harassment is defined and discussed separately and includes harassment that is sexual in nature or harassment based on gender/sex, gender identity or expression, or sexual orientation.

General harassment, which is behavior that is perceived as "harassing," but is not based on a protected characteristic/class, is not covered by this Policy. However, if you have a general complaint about behavior in the workplace, the Office of Employee Rights and Relations (hereinafter "OERR") will speak with you to direct your complaint, but you may be best served by speaking with your supervisor or other appropriate contact in the department/appointing authority.

This Policy also includes the County's policies and procedures pertaining to filing discrimination, sexual harassment, and retaliation complaints; the investigation process; protections against retaliation for engaging in protected activity; as well as the process related to requesting and potentially receiving reasonable accommodations for qualified individuals with a disability, persons with sincerely-held religious beliefs and practices, for pregnancy related conditions, nursing employees, and victims of domestic violence as defined by Section 459-a of the New York State Social Services Law.²

This Policy supersedes and reaffirms the County's Anti-Discrimination Policy and Equal Employment Opportunity Statement, Plan & Procedure (Executive Order 2023-01, Executive Order No. 2019-02, Executive Order 2016-01, Executive Order No. 2014- 05, Executive Order No. 2011-3, Executive Order No. 2004-4, and Executive Order No. 1999-7).

¹ "Equal Employment Opportunity" and "EEO" are used interchangeably throughout this Policy.

² Section 459-a of the New York State Social Services Law defines "victim of domestic violence" as a victim of an act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation; and such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and such act or acts are or are alleged to have been committed by a family or household member.

I. POLICY STATEMENTS

A. Equal Employment Opportunity

The County is an equal opportunity employer committed to compliance with federal, state, local laws, and contracts prohibiting employment discrimination, including but not limited to County collective bargaining agreements. Therefore, the County provides equal employment opportunity to all individuals in hiring, discharge, compensation and all other terms, conditions, and privileges of employment including, but not limited to: recruitment, advertisement, application, examination, testing, work assignments, working conditions, benefits, evaluations, advancement, promotion, training, medical examination, leave request and approval, layoff/recall, transfers, discipline, and termination, without discrimination on the basis of an individual's real or perceived membership in a legally protected class or an individual with a protected characteristic.

B. Prohibition of Discrimination and/or Harassment Based on Protected Characteristics/Classes

The County, by this policy and by law, prohibits discrimination and harassment on the basis of an individual's real or perceived membership in a legally protected characteristic/class. The current legally protected characteristics/classes (per state and federal laws) are: age, alienage/citizenship, ethnicity/national origin, color/race (including, but not limited to, traits historically associated with race, such as hair texture and protective hairstyles), creed/religion, disability, gender/sex, gender identity or expression, sexual orientation, familial or marital status, military status, predisposing genetic characteristics or carrier status, pregnancy, arrest/conviction history, status as a nursing employee, status as a victim of domestic violence, or other legally protected status.³

C. Prohibition of Sexual Harassment

As stated in Part B, above, the County prohibits any form of harassment based on a protected characteristic/class. This includes, but is not limited to, sexual and/or gender-based harassment. Sexual harassment is a form of workplace sex discrimination and includes harassment on the basis of sex, gender, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

³ Although the term "caregiver" is not identified as a protected characteristic/class under state or federal EEO laws, workplace decisions that adversely impact applicants, employees, and associates who are also caregivers can be violations of this Policy and potentially unlawful if the discrimination or retaliation is based on a protected characteristic/class. Thus, it is a violation of this Policy to discriminate against caregivers based on their gender (including pregnancy, sexual orientation, or gender identity), race, color, religion, national origin, age, disability, or genetic information (such as family medical history). Similarly, unemployment history/status and credit history/status are not specifically identified as a protected characteristic/class but may be protected if discrimination occurs based on these factors that is tied to a protected characteristic/class, such as race, disability status, age, gender, or national origin.

D. Prohibition of Discrimination Based on Non-Discrimination Laws

In addition to protection for certain characteristics/classes listed above in Parts B and C, the County adheres to other specific New York non-discrimination laws which: (1) prohibit employers from relying on salary history of an applicant in determining whether to offer employment or in determining salary for any applicant or employee in determining wages/salary for such individual; (2) prohibit discrimination based on certain political activities; (3) prohibit discrimination based on legal use of consumable products, including cannabis, in accordance with state law and employer policies; (4) prohibit discrimination based on an individual's legal recreational activities; (5) prohibit discrimination based on an individual's membership in a union or with respect to any exercise of rights granted under the Article 14 of the Civil Service Law; and (6) prohibit discrimination based on sexual and reproductive health decision-making. OERR is responsible for determining whether violations of the above non-discrimination laws are tied to a protected characteristic/class or are otherwise reviewable pursuant to OERR processes per this Policy. OERR may refer these matters to another Department for review if OERR determines that the matter is beyond the scope of this Policy.

E. Coverage

The County recognizes that any act of discrimination, sexual harassment, or retaliation undermines the integrity of working relationships and is detrimental to a positive, productive work environment. Therefore, the County prohibits all acts of discrimination, sexual harassment, and retaliation against any County employee or County associate.

This Policy applies to all County employees and associates, including but not limited to:

- elected officials
- officers
- department heads
- commissioners
- appointing authorities
- managers
- supervisors
- boards and commissions
- councils
- committee members
- contractors
- subcontractors
- vendors
- consultants
- volunteers
- applicants

The Policy also applies to other categories of individuals employed by, working with, or providing services for the County of Rockland, even when providing services as a third-party through any contract with the County. (***See definition of "County employee" and "County associate" in Appendix II, Definitions.***)

F. Reporting and Investigations

The County protects all County employees and associates against discrimination, sexual harassment, and/or retaliation, and remedies violations through viable and effective reporting and investigation procedures detailed in this Policy.

G. Reasonable Accommodations

The County provides reasonable accommodations to qualified individuals with disabilities, including for individuals with pregnancy-related conditions, as necessary. Accommodations may include, but are not limited to, providing accommodations during the pre-employment and examination processes, and throughout the employment relationship. The County also provides reasonable accommodations to qualified individuals for religious practices and observances, qualified individuals with status as victims of domestic violence, and for the purpose of expressing breast milk at work.

H. Annual Training

The County shall conduct annual training sessions regarding the Policy to promote awareness of discrimination, sexual harassment, and retaliation so that employees and associates can identify these forms of discrimination, prevent it, and report any violations they may become aware of, experience, or witness.

I. Scope of the "Workplace"

This Policy applies to discriminatory, sexually harassing, and retaliatory conduct whether it occurs on or off County property/County facilities. Furthermore, it applies to all aspects of "working" including, but not limited to, activities such as training, remote work, business trips, conferences, travel, meal periods, in the media, on social media, electronically/online/apps, or any other setting where County employees and County associates may be interacting. It also includes, but is not limited to, off-duty social settings where employees have gathered and where interactions between co-workers in the social-setting could potentially disrupt the work environment, or even in situations where employees are not interacting, such as in online postings or messaging.

J. Consequences for Violations of this Policy

1. An individual found to have engaged in discriminatory conduct or practices, sexual harassment, and/or retaliation may be subject to disciplinary action. Any disciplinary action will be determined by the County in accordance with the provisions of any applicable negotiated collective bargaining agreement, and/or as required by law. Disciplinary action may or may not be recommended by OERR to the department head/appointing authority/commissioner where any such violation of this Policy

occurs (as determined by OERR's investigation procedures) but may be in the discretion of the department head/appointing authority/commissioner as the department head/appointing authority/commissioner deems appropriate. However, given legal compliance standards, there may be offenses wherein OERR and/or the County Executive require certain action(s) be taken.

2. "Supervisors" who fail to report allegations of discrimination, sexual harassment, and/or retaliation, or otherwise fail to act appropriately upon notice or knowledge of allegations of this Policy may be subject to disciplinary action in accordance with the provisions of any applicable collective bargaining agreement, and/or as required by law. This includes situations where OERR determines that the supervisor knew or should have known that discrimination, sexual harassment, or retaliation is occurring or has occurred. The positions included in the term "supervisor" are detailed in Appendix I, Section G.
3. Based upon the gravity of the violation of this Policy, discipline may include:
 - a written reprimand,
 - suspension without pay,
 - demotion,
 - transfer,
 - fine,
 - termination,
 - or any other measure(s) calculated to eliminate illegal or inappropriate behavior.
4. To protect its workforce, which may include but will not be limited to implementing disciplinary action, the County will take such steps as may be necessary to address the impact that any unlawful act has had or continues to have upon the Complainant(s)/witnesses/other affected individuals. Although not necessarily discipline, counseling and or re-education may be required for individuals who violate this Policy.
5. The County Executive has overall authority and responsibility for the coordination, implementation, and enforcement of this Policy. By this Policy, the County Executive delegates the authority to the Commissioner of Personnel to oversee and effectuate this Policy. The Commissioner of Personnel oversees and directs OERR and OERR is responsible for coordinating, implementing, and enforcing this Policy. OERR is further responsible to ensure compliance with all federal, state, and local laws and/or regulations pertaining to equal employment opportunity, discrimination, sexual harassment, retaliation, and reasonable accommodations in the workplace. Department heads/commissioners/appointing authorities have the general

responsibility for ensuring that the Policy is fully implemented within their departments.

6. The County Executive reserves the right to interpret, change, modify, or eliminate any provision contained within this Policy, where such interpretation, modification, or amendment does not conflict with any requirement of federal, state, or local law, and/or any applicable collective bargaining agreement.
7. This Policy is subject to change due to an intervening or superseding change in federal, state, or local law and/or regulation regarding equal employment opportunity, discrimination, sexual harassment, retaliation, and reasonable accommodations in the workplace. Any legal requirement will be deemed incorporated into this Policy until such time that the Policy is modified to comply with the change in the law and/or regulations.

II. DESCRIPTION OF THE APPENDICES TO THIS POLICY

A. APPENDIX I

1. The provisions the County has in place to prevent and protect employees against discrimination, sexual harassment, retaliation, and/or other violations of this Policy.
2. The scope of coverage of the Policy.
3. The legal obligation of supervisors to maintain a discrimination, sexual harassment, and retaliation free work environment for County employees and associates.
4. The responsibility of department heads, commissioners, appointing authorities, managers, supervisors, other County officials (collectively referred to throughout this Policy as "supervisors") to report any and all violations of this Policy, any Equal Employment Opportunity concerns, any discrimination/sexual harassment/retaliation concerns even if not necessarily covered by this Policy, and/or complaints that the supervisor knows or should know about, whether observed by or reported to the supervisor by some other individual(s).
5. The appropriate parties to whom supervisors must report the issues covered by this Policy.
6. The obligations of bystanders to report and prevent discrimination, sexual harassment, and retaliation.

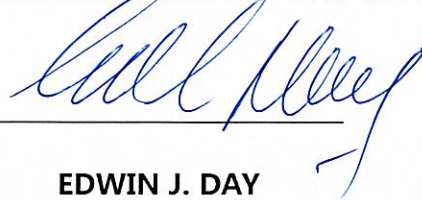
7. An explanation of the OERR's Complaint and Investigative Procedures utilized to determine if there has been a Policy violation, including information about OERR's process related to findings and recommendations.
 8. Information regarding OERR's process related to interim measures, remedial recommendations, and/or other measures required during an OERR investigation, including measures that may be recommended or required even in the absence of a finding of discrimination, sexual harassment, or retaliation.
 9. An explanation of the consequences for violations of this Policy.
 10. Remedies available to County employees and associates who have experienced discrimination, sexual harassment, and/or retaliation.
- B. APPENDIX II** sets forth definitions applicable to Appendix I and helpful information about the various legal protections provided pursuant to this Policy.
- C. APPENDIX III** pertains to Reasonable Accommodations the County may provide to Qualified Individuals with a Disability under this Policy, which details:
1. The definitions of, and definitions related to "Disability" and to "Qualified Individual," under the New York State Executive Law and the Americans with Disabilities Act and related amendments, regulations, and agency guidance; and
 2. A description of the interactive process used to determine if a Reasonable Accommodation is available and how best to reasonably accommodate a Qualified Individual's accommodation request including a step-by-step guide for qualified individuals, supervisors, and department staff responsible for the interactive process.
- D. APPENDIX IV** pertains to Reasonable Accommodations the County may provide to individuals for sincerely held religious practices and observances, which details the guidelines by which the County will provide Reasonable Accommodations to qualified individuals for religious practices and observances.
- E. APPENDIX V** pertains to Reasonable Accommodations that the County will provide to individuals who are employees with limitations due to pregnancy, and/or individuals with pregnancy-related conditions, which details the guidelines by which the County will provide Reasonable Accommodations to such individuals.

- F. APPENDIX VI** pertains to Reasonable Accommodations that the County will provide to employees who need to express breastmilk for their nursing child in the workplace.
- G. APPENDIX VII** pertains to Reasonable Accommodations that the County will provide to individuals who are victims of domestic violence which details the definition of a "Victim of Domestic Violence" and the accommodations that may be provided to such individuals.
- H. APPENDIX VIII** describes the Equal Employment Opportunity Programs that the County will engage in on an ongoing basis, which include:
- recruitment;
 - selection, appointment, and assignment;
 - other managerial/supervisory action; and
 - annual Equal Employment Opportunity (EEO) training for employees and certain County associates.
- I. APPENDIX IX** sets forth complaint forms for discrimination, sexual harassment, and retaliation as well as accommodation request forms.

Anyone who has questions about this Policy should contact:

**County of Rockland Department of Personnel
Office of Employee Rights and Relations
50 Sanatorium Road, Building A
Pomona, New York 10970
Or via Telephone at (845) 364-3742 or (845) 364-3773
Or send an email to RCOERR@co.rockland.ny.us**

THIS REVISED EXECUTIVE ORDER SHALL TAKE EFFECT THIS 14th DAY OF FEBRUARY 2025.



**EDWIN J. DAY
County Executive**

**DEPARTMENT OF PERSONNEL
OFFICE OF EMPLOYEE RIGHTS AND RELATIONS**

50 Sanatorium Road,
Building A
Pomona, New York 10970
Phone: (845) 364-3742
Fax: (845) 364-3738

Lori Gruebel
Commissioner of Personnel

APPENDIX I

**PROTECTIONS AGAINST DISCRIMINATION,
SEXUAL HARASSMENT,
AND RETALIATION**

Section A. Preliminary Statement

The County of Rockland bases all employment decisions within its control upon merit, fitness, and equality of opportunity; prohibits all acts of unlawful discrimination based on protected characteristics/classes, sexual harassment, and prohibits retaliation against individuals engaged in certain protected activities related to this Policy; and expects that all County employees and associates will refrain from engaging in conduct which is prohibited by this Policy or otherwise constitutes unlawful discrimination, sexual harassment, or retaliation.

Section B. Prohibition Against Discrimination Based on Protected Characteristics/Classes or Violation of Non-Discrimination Laws

1. Prohibition Against Discrimination Based on Protected Characteristics/Classes
 - a. The County of Rockland prohibits discrimination in any aspect of employment or in the provision of services by County employees or associates based on an individual's real or perceived membership in a legally protected class or based on a legally protected characteristic/class, including but not limited to in hiring, testing, work assignments, working conditions, compensation, benefits, evaluation, advancement, promotion, training, medical examination, leave request and approval, layoff/recall, transfers, discipline, termination, and any other term, condition, or privilege of employment or association with the County as a County associate.
 - b. The current legally protected characteristics/classes are: age, alienage/citizenship, ethnicity/national origin, color/race (including, but not limited to, traits historically associated with race, such as hair texture and protective hairstyles), creed/religion, disability, gender/sex, gender identity or expression, sexual orientation, familial or marital status, military status, predisposing genetic characteristics or carrier status, pregnancy, arrest/conviction history, status as a nursing employee, and/or status as a victim of domestic violence.
2. Violation of Non-Discrimination Laws

The County requires compliance with all non-discrimination laws. In addition to protection for certain characteristics/classes listed in Section B.1., above, New York has specific laws which:

 - a. prohibit employers from relying on salary history of an applicant in determining whether to offer employment or in determining salary for any applicant or employee in determining wages/salary for such individual;
 - b. prohibit discrimination based on certain political activities;
 - c. prohibit discrimination based on legal use of consumable products, including cannabis in accordance with state law and employer policies;
 - d. prohibit discrimination based on an individual's legal recreational activities;

- e. prohibit discrimination based on an individual's membership in a union or with respect to any exercise of rights granted under Article 14 of the Civil Service Law; and
 - f. prohibit discrimination based on sexual and reproductive health decision-making.⁴
3. OERR is responsible for determining whether violations of the above non-discrimination laws are tied to a protected characteristic/class or are otherwise reviewable pursuant to OERR's processes per this Policy. OERR may refer these matters to another department for review if OERR determines that the matter is beyond the scope of this Policy.
 4. The County's non-discrimination requirements also prohibit policies or programs that have a disparate impact on a protected characteristic/class unless the policy or program is justified by a legitimate business interest.

Discrimination includes a failure to provide a reasonable accommodation for an employee, applicant, or other qualified individual with a disability who can perform all the essential job functions of their position, including an individual with a pregnancy-related condition; or for an employee expressing breast milk in the workplace; or due to sincerely held religious observation or practice; or for an employee or associate with status as a victim of domestic violence.

5. Additionally, this Policy requires compliance with all federal, state, and local laws, collective bargaining agreements, and policies which provide specific non-discrimination requirements. See Appendix I, B.2. for a complete listing of non-discrimination requirements.

Section C. Prohibition Against Harassment Based on Protected Characteristics/Classes

1. Rockland County prohibits unlawful harassment, which means harassment based upon a protected characteristic/class.
2. Harassment need not be severe or pervasive to be unlawful. Unlawful harassment may occur if the offensive conduct constitutes more than a petty slight or trivial inconvenience.
3. The County's prohibition of discriminatory conduct may be more stringent than what is prohibited by federal or state law and/or regulation.

⁴ This may not be an exhaustive list of non-discrimination laws that may pertain to County employees and associates.

4. Harassment may consist of offensive conduct, such as unwelcome words, gestures, and/or actions, based upon the individual's actual or perceived membership in a protected characteristic/class such that an employee or associate is subjected to inferior terms, conditions, and privileges of employment.
5. Harassment manifests itself in several ways including, but not limited to verbal, non-verbal or physical actions, e.g., jokes, epithets, slurs, threatening, intimidating or hostile acts, written or graphic material, offensive e-mails or text messages, demeaning or perceived insulting comments, or other offensive language related to an individual's protected characteristic/class. Harassment may be overt or subtle.
6. Harassment can occur between individuals of the same protected characteristic/class or different protected characteristics/classes.
7. Harassment can occur outside the workplace, such as in remote work situations or during travel, in person, via telephone, or electronically via text messages, instant messaging service, messaging apps, email, or social media. Social media includes but is not limited to all means of communicating or posting information on the Internet or mobile telephone networks, devices, or applications. It includes an employee's own or another person's or entity's blog, website, social networking bulletin board, chat room, content-sharing service, messenger applications, other applications, podcasts, and/or apps. Examples include, but are not limited to: Facebook, X (formerly Twitter), TikTok, BeReal, YouTube, Snapchat, Tinder, Bumble, Instagram, Whatsapp, and LinkedIn.
8. Harassment can involve situations in which a third party is offended by the interaction, conduct, or communications between others who may not be offended by the conduct (e.g., "jokes" or inappropriate conversations or references amongst a group of co-workers may be offensive to a bystander). To ensure legal compliance, even if there is no offended bystander, any joking, conversations, or comments that relate to any protected characteristic/class are prohibited by the County.

Section D. Prohibition Against Sexual Harassment

1. Rockland County prohibits sexual harassment. Sexual harassment will not be tolerated. Any individual covered by this Policy who engages in sexual harassment will be subject to remedial and/or disciplinary action, up to and including termination. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment, or who knowingly allow such behavior to continue, will be penalized for such misconduct.

2. Sexual harassment is a form of gender-based/sex discrimination and includes harassment on the basis of sex, gender, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.⁵
3. Not only is sexual harassment a violation of this Policy, but it is also offensive and unlawful. Sexual harassment subjects the County to liability for harm to victims of sexual harassment. Harassers may also be individually liable for sexual harassment.
4. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.
5. Sexual harassment is unlawful (and therefore violates this Policy) when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights/trivial inconveniences and harassing behavior. However, whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of this Policy.
6. The intent of the behavior, for example, the Respondent thought they were just “making a joke,” does not neutralize a harassment claim. Not intending to harass is not a defense to harassment. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual’s gender, gender identity or expression (perceived or actual), or is of a sexual nature when:
 - the purpose or effect of this behavior unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive work

⁵ The following is an excerpt from New York State’s Model Sexual Harassment Policy (published in April 2023): Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced; therefore, the following information is not exhaustive, and only provides some information regarding ways some people identify. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some non-binary people may identify as transgender, but not all do. Respecting an individual’s gender identity and desired name/pronoun is a necessary first step in establishing a positive and safe work environment.

environment. The impacted person does not need to be the intended target of the sexual harassment;

- employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- decisions regarding an individual's employment are based on an individual's acceptance or rejection of such behavior.

7. Sexual harassment may consist of unwelcome sexual advances; requests for sexual favors; sexual demands or other verbal, non-verbal, or physical conduct of a sexual nature, when submission to or rejection of the conduct is used explicitly or implicitly as a basis for an employment decision, term, condition, or privilege of employment affecting the person submitting to or rejecting the conduct.
8. There are two main types of Sexual Harassment:
 - a. **Hostile Environment Sexual Harassment.** A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation, or violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. A hostile environment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.
 - b. **Quid Pro Quo Sexual Harassment.** This type of sexual harassment occurs when a person in authority tries to trade job benefits for sexual favors or sexual attention. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment.
9. Like other forms of harassment, sexual harassment can occur outside the workplace, in person, via telephone, or electronically via text messages, instant messaging service, email, or other social media. Social media includes, but is not limited to, all means of communicating or posting of information on the Internet or mobile telephone networks or devices, or applications. It includes an employee's own, or another person's blog, website, social networking bulletin boards, chat room, content-sharing service, messenger applications, other applications, podcasts, and/or apps. Examples include, but are not limited to: Facebook, X (formerly Twitter), TikTok, BeReal, YouTube, Snapchat, Instagram, Tinder, Bumble, Whatsapp, and Linked In, even when these electronic methods are used/occur away from the workplace premises, on personal devices, or during non-work hours. Additionally, sexual harassment can occur while employees are traveling for business or at employer or industry sponsored events or parties, or when employees are working remotely.

10. Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. Harassers can be anyone in the workplace. A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including County associates, such as independent contractors.⁶
11. Sexual harassment can involve situations in which a third party is offended by the interaction, conduct, or communications between others.
12. Sexual harassment can involve situations of sex stereotyping. Sex stereotyping occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look. Examples include remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or asking employees to take on traditionally gendered roles. Sexual harassment may be overt or subtle. However, occasional compliments of a socially acceptable nature generally do not constitute sexual harassment absent any additional factors.
13. The County's prohibition of inappropriate sexual conduct may be more stringent than what is prohibited by federal law and/or regulation. Sexual conduct, welcome or unwelcome, that may not be severe and/or pervasive enough to create an intimidating hostile or offensive work environment under federal law is expressly prohibited by this Policy (and is likewise prohibited by the New York State Executive Law). A victim of sexual harassment may, but is not required to, advise the harasser that they are uncomfortable with certain behavior or express that the conduct is unwelcome.
14. Examples of Sexual Harassment—The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:
 - a. Physical acts of a sexual nature, such as:
 - touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body, or poking another person's body;
 - rape, sexual battery, molestation, or attempts to commit these assaults;
 - any unwelcome physical contact and/or gestures, including, but not limited to, flirtation, touching, rubbing, petting, kissing, hugging, pinching, biting, or

⁶ Contract workers, vendors, clients, constituents, or visitors may also be harassers of County employees or others or may be the victim of sexual harassment by County employees. Complaints regarding such individuals should be reported to OERR; however, depending on the circumstances, OERR may not have jurisdiction to investigate these complaints and may refer these complaints to another part of the organization, or take some other appropriate action.

- brushing up against an individual's body; or any other unwelcome physical contact; or
 - physical violations of an individual's personal space with or without touching.
- b. Unwanted sexual comments, advances, or propositions, such as:
- requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits or detriments;
 - subtle or obvious pressure for unwelcome sexual activities;
 - sexually oriented gestures, noises, remarks or jokes, ridicule, or comments about a person's sexuality or sexual experience, which create a hostile work environment;
 - sexual innuendos; slurs or epithets; profanity; suggestive, derogatory, lewd, and/or demeaning comments or sounds (such as whistling, moaning, or other inappropriate noises); leering/ogling; obscene gestures; or
 - sexual or sexually suggestive written, recorded, or electronically transmitted messages.
- c. Sexual or discriminatory displays or publications anywhere in the workplace, such as displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic; humiliating or intimidating writings or documents displaying pornographic, sexually suggestive, or sexually explicit objects or pictures, including, such sexual displays on workplace computers and (personal or work) mobile phones displayed while in the workplace or amongst co-workers.
- d. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:
- humiliating or intimidating language related to a person's actual or perceived sex;
 - interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - sabotaging an individual's work;
 - bullying, yelling, or name-calling.
- e. Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment.
- f. None of the above examples are limited to interactions in person. Remarks made over virtual platforms, on social messages, in messaging apps. or when employees are working remotely or in off-site locations can create a similarly hostile work

environment. Additionally, actions in violation of this Policy by employees while not working may create a hostile work environment.

Section E. Protection Against Retaliation

1. The County expressly prohibits retaliation or threatened retaliation against any individual who, in good faith, participates in a "protected activity." Such retaliation is unlawful under federal and state laws.
2. Retaliation is defined as an adverse action threatened or taken because a County employee or associate has, in good faith, engaged in a protected activity. The adverse action must affect a term, right, condition or privilege of employment and potentially deter an individual from engaging in protected activities.
3. Retaliation can be any action that would make it less likely for a person to come forward, make a person afraid to come forward, or may otherwise prevent a County employee or associate from coming forward to make or support a discrimination or sexual harassment complaint.
4. Examples of protected activities include, but are not limited to:
 - a. filing a discrimination, sexual harassment, or retaliation complaint either internally or externally;
 - b. participating in or otherwise cooperating in the investigation of a discrimination, sexual harassment, and/or retaliation complaint;
 - c. testifying or assisting in a proceeding involving discrimination, sexual harassment, or retaliation under any anti-discrimination law;
 - d. encouraging or assisting another individual to pursue their rights under law or this Policy;
 - e. opposing a policy or practice believed to constitute discrimination, sexual harassment, or retaliation;
 - f. opposing discrimination or sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of discrimination or sexual harassment; and/or
 - g. requesting a reasonable accommodation.
5. Making a complaint about discrimination, sexual harassment, or retaliation, or otherwise participating in the OERR process, is not a shield. County employees and associates are not excused from continuing to perform their job duties or from following workplace rules because they engaged in a protected activity(ies) including, but not limited to reporting or filing a complaint or assisting in an investigation. Not all adverse actions are considered to

be retaliation. Generally, justified negative evaluations, counseling, and progressive discipline based upon legitimate non-discriminatory reasons are not considered retaliatory.

6. The County views retaliation or the threat of retaliation as a serious offense that impedes the County's commitment to a workplace free of discrimination, sexual harassment, and retaliation.
7. The County will take such action as may be appropriate against a County employee or associate (pursuant to requirements under collective bargaining agreements, policies, and/or applicable laws) to appropriately punish and remediate retaliation or threatened retaliation.

Section F: County Associates Must Comply

Failure of a County associate, including contractors and vendors, to cooperate with the County with respect to the obligations set forth in this Policy may result in cancellation of a contract or other appropriate consequence, as applicable.

Section G: Supervisory Duty to Report

1. A "supervisor" for purposes of this Policy means the following:
 - a. supervisor;
 - b. manager;
 - c. department head;
 - d. commissioner;
 - e. appointing authority;
 - f. County official;
 - g. public officer;
 - h. board or commission members; and
 - i. County associates with managerial and/or supervisory authority.
2. **IMPORTANT NOTE: The above positions are referred to collectively in this Policy as "supervisor." Thus, any time the word "supervisor" is stated in this Policy, it includes all the above positions unless otherwise specified.**
3. Supervisors have a special responsibility to understand this Policy and the related federal, state, and local laws and regulations.

4. Supervisors have a special duty to maintain workplaces free of discrimination, sexual harassment, and retaliation. This duty includes discussing the Policy with subordinates and other employees or associates and assuring them that they are not expected to tolerate discrimination, sexual harassment, or retaliation.
5. All supervisors must comply with this Policy and take appropriate measures to ensure that discrimination, sexual harassment, and/or retaliation do not occur or if they occur are immediately reported to OERR.
6. Please note: You do not need to be the supervisor of the employee with the complaint to trigger the Duty to Report. The Duty to Report and legal obligations of supervisors relate to status in one of the above titles.
7. This Policy requires County supervisors to immediately report discrimination, sexual harassment, or retaliation to a supervisor or to OERR. Once a supervisor receives a report of discrimination, sexual harassment, and/or retaliation (or becomes aware of possible discrimination, sexual harassment, or retaliation), that individual must immediately make a report to OERR in fulfillment of their duty to report. This requirement applies even if the supervisor does not believe that the complaint constitutes discrimination, sexual harassment, or retaliation in violation of this Policy because such a determination is within the sole authority of OERR (under the supervision of the Commissioner of Personnel), on behalf of the County Executive, to determine.
8. Individuals with a Duty to Report may not make such report anonymously or informally.
9. All supervisors must take immediate and, if authorized, appropriate interim corrective action when allegations of discrimination, sexual harassment, or retaliation come to their attention to ensure compliance with this Policy. Absent exigent circumstances, no such action may be taken without consultation with OERR. If any supervisor is not authorized to take corrective action, the matter should be referred to an individual having such authority.
10. Nothing herein prevents a supervisor from counseling or disciplining an employee for inappropriate conduct that is not otherwise a violation of this Policy and otherwise does not interfere with the OERR investigation. Any action by a supervisor that could be perceived as retaliatory is strictly prohibited. The supervisor must discuss any potential act with OERR before taking such action (since an action could be deemed retaliatory).

11. Except in situations where the supervisor is the potential Respondent, the supervisor may also, where appropriate, request witnesses to prepare a written statement related to an allegation or complaint concerning an incident as soon as possible and forward any statements to OERR. However, no supervisor is authorized to investigate alleged violations of this Policy beyond an initial compilation of witness statements. Employees should be advised that they do not have a right to refuse to provide their supervisor with a written statement concerning any matters relevant to their employment. Failure to do so may be considered an act of insubordination, which may result in formal disciplinary action. In situations where the supervisor is the potential Respondent, the supervisor should self-report to their higher-level supervisor(s) or to OERR and take no further action.
12. When requested, supervisors must participate, facilitate, and cooperate with all investigations conducted by OERR. Any supervisor who fails to discharge these duties may be subject to formal disciplinary action.
13. Supervisors are expected to model compliance with the Policy within their respective departments/agencies. Any supervisor engaging in a violation of the Policy may face a disciplinary consequence, as applicable, and in accordance with any applicable collective bargaining agreement or law. Such modeling behavior includes communications and use of emails, texts, and social media that are not discriminatory, harassing, or retaliatory.
14. It is a violation of any of the following: (1) Guidelines for Use of County Technology Resources, Executive Order 2016-02 (and any subsequent amendment); (2) Guidelines for Personal Communication; and (3) Media and Social Media Policy and Procedures to discriminate, harass, or retaliate against any person using electronic means.
15. Any interference, tampering, or attempt to impede an internal or OERR investigation is prohibited and must be reported immediately to OERR and will be reviewed and/or investigated by OERR and reported to the County Executive.

Section H: Bystander Intervention

1. Any County employee or associate witnessing harassment as a bystander is encouraged to report it to a supervisor or OERR. A supervisor who is a bystander to discrimination, sexual harassment, or retaliation is required to report it in accordance with Section G, above. There are five standard methods of bystander intervention that can be used when anyone witnesses discrimination, sexual harassment, or retaliation and wants to help.
 - a. A bystander can interrupt the conduct by engaging with the individual being targeted and distracting the individual(s) from the discriminatory behavior;

- b. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene;
 - c. A bystander can record or take notes on the incident to benefit a future investigation;
 - d. A bystander might check in with the person who has been the target of the discrimination, sexual harassment, and/or retaliation after the incident to see how they are feeling and let them know the behavior was not acceptable; and
 - e. If a bystander feels safe, they can confront the discriminator(s)/harasser(s)/retaliator(s) and advise them that the behavior is inappropriate. However, when confronting a person, verbal altercations and/or physically assaulting an individual is never an appropriate response. All standards of workplace decorum must be adhered to regardless of the egregiousness of the conduct observed.
2. Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing discrimination, sexual harassment, or retaliation in the workplace.

Section I: Complaint and Investigation Process

1. Contact OERR or a Supervisor

Any person who wishes to inquire about an issue or matter relating to this Policy should contact OERR for consultation, assistance, information, and/or referral. Complaints regarding suspected violations of this Policy may be made by a County employee, a supervisor, a witness to a suspected violation of this Policy, or by a County associate. A supervisor who becomes aware of a potential violation of this Policy may encourage any person who has a potential complaint to contact OERR directly to file the complaint; however, any supervisor who is aware of a potential violation of this Policy must still contact OERR directly to inform OERR about the complaint pursuant to the supervisory Duty to Report. Once a supervisor has notice or knowledge of an EEO complaint, the County is on legal notice of the potential violation and the County's legal obligation to investigate and remediate (if applicable) the complaint is triggered. Any notification to OERR by a County employee or associate, or by a supervisor, will immediately trigger OERR's investigatory process.

2. OERR Process

OERR uses the following process for handling complaints and investigations once it is aware of a possible violation of this Policy:

- a. Initial Meeting with OERR
 - i. Employees, applicants, and County associates have the right to meet privately with a representative from OERR to describe the complaint. At the discretion of

- OERR, this initial meeting may occur via telephone call, virtually, in person, or by other means.
- ii. Should a County employee or associate wish to speak with an OERR representative during their work hours, they must request and obtain the permission of their supervisor before leaving their post. The meeting may not interfere with the department's operations.
 - iii. In making a request to meet with OERR, an employee is not required to disclose the purpose of the meeting. Supervisors cannot unreasonably deny an employee's request to meet with representatives of OERR during work hours and should allow an employee to do so at the earliest practicable time consistent with the legitimate business needs of their departments/units.
 - iv. The employee may request that arrangements be made with OERR to hold the meeting before or after work hours, or during the employee's lunch period.
 - v. Supervisors should not ask County employees or associates what was discussed during the OERR interview.
 - vi. During the initial meeting, a representative from OERR will review the County's EEO complaint and investigation process with the employee; advise the employee of their rights; and discuss whether the issue raised is appropriate for an OERR investigation or if it is a concern that does not fall within the purview of this Policy.
- b. If the employee's concerns do not fall within the purview of this Policy, OERR will advise the employee of the same and may refer the employee to other internal agencies, e.g., respective department head/commissioner/appointing authority, department's personnel office, Rockland County Department of Personnel, appropriate union, or other appropriate outside agencies, that may be more suited to handle the matter.
 - c. Complaints filed under this Policy should be submitted in writing. However, OERR recognizes that it may be necessary to investigate an allegation of discrimination, sexual harassment, or retaliation even if the individual who has been victimized or is directly impacted by the conduct or if the individual reporting the conduct chooses not to file a complaint or refuses to otherwise participate or cooperate in the investigation process. Legal obligations to investigate are triggered by *any notice* of potential discrimination, sexual harassment, or retaliation. The Complainant, however, is required to further cooperate with the investigation if OERR deems it necessary.
 - d. If OERR determines that a complaint requires investigation in accordance with this Policy, OERR may first contact the applicable department head/commissioner/appointing authority to alert them of the complaint, receive any relevant information, and discuss the investigatory process. The department head/commissioner/appointing authority and the County Executive's Office will receive official notification that a complaint has been filed and that an investigation

will be initiated. In cases where the department head/commissioner/appointing authority is the Respondent identified by the Complainant(s), appropriate notification measures will be taken, as deemed applicable based on the circumstances.

3. Confidentiality

- a. Pursuant to state and federal laws and regulations, confidentiality of EEO matters, such as complaints under this Policy, is on a "need-to-know" basis. "Need-to-know" means that information obtained from an individual who seeks assistance or provides information as a witness will not be disclosed by OERR or any other person privy to information about the matter to other employees/individuals except as necessary to investigate and/or resolve the complaint or inquiry.
- b. All OERR complaints/EEO matters will be handled under the supervision of the Commissioner of Personnel in consultation with the Office of the County Attorney, where appropriate.

4. Representation

- a. Complainants may bring a support person of their choice to attend the part of the initial meeting where OERR representatives review the Policy, employee/associate rights, and the complaint and investigation process and rights. OERR may ask the support person to leave the meeting room before the commencement of any discussion of the substantive allegations of discrimination, sexual harassment, or retaliation. To the extent practicable, the Complainant should notify OERR in advance if they intend to have a support person present during the initial meeting.
- b. No Complainant or witness shall have any right to representation throughout the investigation process unless that individual is also an employee who is the potential subject of a formal disciplinary action and either a statute or negotiated labor agreement grants a right of representation.
- c. The Respondent and their union (if applicable) will be given notice of any meeting to be conducted by OERR with the individual potentially subject to discipline and the employee shall be afforded the right to representation consistent with provisions of a negotiated labor agreement or state law, as applicable.
- d. Rights to representation will be honored where the same are consistent with or required by statute or negotiated labor agreement, except in circumstances where the representative has been identified or could foreseeably be a party or witness to the investigation. Union representatives must plan for alternative staffing in these circumstances.
- e. This Policy is not intended to create any right of representation.

5. The Complaint

- a. An individual may file a written complaint of discrimination, sexual harassment, or retaliation at any time with any supervisor or directly with OERR. (*See Complaint Form in Appendix IX.*)
- b. Where an individual chooses not to file a written complaint, OERR reserves the right to determine that another form of communication (e.g., telephone call, text message, email, or letter) should be processed as a formal complaint.
- c. OERR will provide reasonable accommodations to qualified individuals with disabilities throughout the entire complaint and investigation process, when requested by the participant and/or as deemed necessary by OERR.
- d. Pursuant to an amendment to the New York State Executive Law effective on March 16, 2022, copies of the complaint will not be provided to anyone outside of OERR and the Department of Personnel. Accordingly, a copy of the complaint and any other documents submitted by a Complainant with the complaint, will not be provided by OERR to any supervisor, or to the Respondent and/or Respondent's representative.

6. The Investigation

- a. OERR will process a complaint upon receipt or as soon thereafter as practicable and investigate as deemed appropriate by OERR.
- b. As stated in Section 2, above, upon notification of the complaint, and before initiating an investigation, OERR may notify the applicable department head/commissioner/appointing authority about the complaint, providing a general overview of the nature of the complaint and the individuals involved. If the department head/commissioner/appointing authority filed the complaint pursuant to their Duty to Report, no notification by OERR will be required, but OERR may still wish to speak to the department head/commissioner/appointing authority before initiating any investigation if a conversation did not occur at the time of complaint intake.
- c. Once an investigation has been initiated by OERR and OERR has notified the County Executive's Office and the department head/commissioner/appointing authority of the complaint, OERR will notify the person or people named as a Respondent(s) to inform the Respondent(s) of the complaint.
- d. Department heads/commissioners/appointing authorities (or their designees) must cooperate with and will support OERR's investigation since an investigation is required by federal and state laws, rules, and agency guidance.
- e. Department heads/commissioner/appointing authorities (or their designees) will assist with the coordination of interviews required by OERR, as requested by OERR.

- f. Department heads/commissioners/appointing authorities (or their designees) may wish to speak with Complainants, Respondents, or other individuals involved in the investigation. These conversations must be limited to discussion about the OERR process and not discuss substantive areas involved with the complaint or the investigation. Department heads/commissioners/appointing authorities (or their designees) must use caution when speaking with individuals involved in the investigation because any such conversations could be viewed as interference with an investigation, witness tampering, or retaliation.
- g. OERR will conduct all investigations in a full, fair, and impartial manner.
- h. OERR will communicate with Complainants, Respondents, and department heads/commissioners/appointing authorities throughout the process as much as is practical, to the extent that such communication does not impede the investigation or resolution process.
- i. When OERR deems it an appropriate time in its investigation, OERR representative(s) will meet with the person or people named as a Respondent(s). Written notice of the meeting, together with any notice of rights to representation, will be given to the Respondent prior to the meeting. At the meeting, OERR will question the Respondent(s) regarding the allegations.
- j. An investigation normally involves conferring with the Parties involved and witnesses or other individuals who may have information relevant to OERR's investigation, if any, as well as examination of the facts gathered and a review of the alleged conduct, including the context in which the incident or incidents occurred. Individuals who participate in the investigation and/or interviews should be reminded of the anti-retaliation provisions set forth in this Policy.
- k. The nature and extent of the investigation will depend upon the circumstances of the case and may include, but are not limited to:
 - i. interviewing and obtaining written statements from witnesses (may require a directive from a supervisor where the witness is reluctant to participate);
 - ii. examining physical evidence (including, but not limited to, written materials, visual materials, building camera footage, body-worn camera footage, County IT devices, voice/text/email messages, etc.);
 - iii. review of personnel records or other documentary evidence, including but not limited to text messages, emails, social media applications;
 - iv. review of administrative policies, processes, etc.; and
 - v. investigation of other allegations or potential violations that may be discovered while investigating the original complaint.
- l. OERR will keep the Commissioner of Personnel informed about its investigations and the Commissioner of Personnel will supervise each investigation. The Commissioner of Personnel will keep the County Executive's Office, and the Office of the County Attorney informed about investigations as deemed appropriate.

- m. It is a violation of any of the following: (1) Guidelines for Use of County Technology Resources; (2) Guidelines for Personal Communication; and (3) Media and Social Media Policy and Procedures to discriminate, harass, or retaliate against any person using electronic means.

7. Findings and Recommendations

- a. OERR will endeavor to issue its findings of fact and recommendations as soon as practicable following receipt of the complaint. OERR makes every effort to close its investigations within 90 days of receipt; however, depending on the scope and scale of the investigation, such a timetable may not be practicable, possible, or prudent. The thoroughness of the investigation cannot be compromised for the sake of speed.
- b. Once its investigation is complete, OERR will prepare findings and recommendations under the supervision of the Commissioner of Personnel and in consultation with the Office of the County Attorney, as needed.
- c. OERR will inform the County Executive, the department head/commissioner/appointing authority, and the County Attorney of the outcomes of its investigation by submitting to those individuals an OERR Investigation Summary Form ("Investigation Summary Form") and the full Investigation Report ("Investigation Report"). The Investigation Summary Form summarizes OERR's investigation, finding(s) as to whether or not there was a violation of this Policy, and recommendation(s), as applicable to each matter. Individuals in the Department of Personnel may also be informed of the outcome of the investigation, depending on the circumstances. The Investigation Report is a record of the complete investigation conducted by OERR, which may not all be relevant to the original complaint or OERR's determination. The Investigation Report, the Investigation Summary Form, and OERR's complete investigation file, are confidential documents that are not available for distribution other than as described above, unless otherwise stated in this Policy or required by law. Additional materials reviewed by or provided to OERR during the investigation, along with other OERR records of the investigation, will be confidentially maintained in OERR's case files.
- d. At the conclusion of its investigation, Complainant(s) and Respondent(s) will be referred to their department head/commissioner/appointing authority for more information (See subparagraph i, below).
- e. At the department level, OERR provides the Investigation Summary Form and the Investigation Report to the applicable department head/commissioner/appointing authority only. These are confidential documents that shall not be distributed to anyone other than the department head/ commissioner/ appointing authority. A department head/ commissioner/ appointing authority may share information about the findings and recommendations with individuals in the department who have a need to know the information to assist the department

- head/commissioner/appointing authority with the implementation of any actions that must be taken because of the findings and recommendations set forth in the Investigation Report.
- f. Based upon the circumstances of the case, OERR's determination may include recommendations to the department head/commissioner/appointing authority that actions should be taken to: (1) immediately stop the discrimination, sexual harassment, and/or retaliation; (2) to the extent practicable, address the impact the conduct is having, or has had, on the Complainant(s) and potentially other involved individuals, such as witnesses; and (3) prevent recurrence of the conduct. The recommended actions may include notification to the department head/commissioner/appointing authority of information revealed during the OERR investigation that although not a violation of this Policy, may nonetheless be inappropriate workplace behavior, other policy violations, and/or workplace incivility. OERR will notify the department head/commissioner/appointing authority of the potential workplace issue(s) discovered during the investigation for the department head/commissioner/appointing authority to address as deemed appropriate.
 - g. In the discretion of OERR, its determination may include recommended actions intended to prevent incidents of potential discrimination, sexual harassment, or retaliation from occurring in the future. These recommended actions may include, but not be limited to, training, coaching, conciliation; disciplinary action; and/or remedial action.
 - h. After receiving the recommendations from OERR, the department head/commissioner/appointing authority shall determine what, if any, action will be taken.
 - i. OERR generally will not advise the Complainant(s) or Respondent(s) of any recommendations made to the department head/commissioner/appointing authority. After consultation with OERR and/or the Commissioner of Personnel, the department head/commissioner/appointing authority (or their appropriate designee) must separately meet with the Complainant(s) and Respondent(s) to discuss OERR's final determination whether the investigation was substantiated or unsubstantiated and any recommendations the department head/ commissioner/ appointing authority will be implementing.
 - i. While speaking with the Complainant(s), the department head/ commissioner/ appointing authority should discuss whether any continuing, additional, or new supports and measures are appropriate for the Complainant(s). The Complainant should not be informed of any specific disciplinary or other remedial measures taken by the County with respect to Respondents or any other individuals (if any discipline or remedial action was or will be taken).

Complainants should also be advised that although no future violations are anticipated, if anything more occurs, including retaliation, the Complainant(s) should contact OERR or the department head/ commissioner/ appointing authority immediately.

- ii. While speaking with Respondent(s), the department head/commissioner/appointing authority should discuss any disciplinary action or remedial measure that the department head/ commissioner/appointing authority may seek to implement. Respondent(s) should be reminded about the anti-retaliation provisions set forth in this Policy. If applicable to the Respondent(s), continuing, additional, or new supports and measures may also be discussed.
- j. The department head/appointing authority/commissioner must provide the Department of Personnel with copies of all documents related to OERR's investigation in the department's files, including but not limited to disciplinary documents, statements, including handwritten statements, and emails, notices provided to the Complainant(s) and Respondent(s) by the department head/appointing authority/commissioner. These documents are required for compliance with federal and state agency audit requirements.
- k. OERR's Investigation Report is the final stage of the OERR investigatory process set forth in this Policy. No other documents or materials may be created or issued by the department head/appointing authority/commissioner in response to the OERR's report. Any department head/commissioner/appointing authority with a question or concern about OERR's report and/or recommendations may contact the Commissioner of Personnel to discuss any such question or concern.
- l. No written appeals, investigation addendums, or any other extraneous documentation is allowable given the legal nature of the proceedings covered by this Policy. However, any new allegations or continued complaints or incidents related to the parties or the underlying complaint that gave rise to the investigation that were not covered by OERR's investigation or determination should be immediately reported by following the complaint reporting procedures set forth in this Policy.

8. Interference With OERR's Investigation Is Prohibited

- a. Any interference, tampering, or attempt to impede an internal or OERR investigation, at the initial reporting and intake of the complaint and/or through the entirety of the investigation, is prohibited and must be reported immediately to OERR. OERR will review and investigate such reports as deemed necessary by OERR. In this regard, all County employees and associates are expected to cooperate with

- an OERR investigation and must appear and/or provide information when requested by OERR. Any person supplying information to OERR must do so truthfully.
- b. Any non-compliance with the above requirements will be deemed interference with an investigation and may be grounds for disciplinary action. Additionally, certain acts of interference and/or tampering may be deemed retaliation and give rise to violations of this Policy and/or legal liability.

9. Withdrawing A Complaint

- a. The Complainant may request to withdraw a complaint at any time, in writing; however, the Commissioner of Personnel may proceed with an investigation if the Commissioner determines an investigation is necessary for legal compliance or for some other reason.
- b. OERR will determine if, based upon the type and severity of an allegation, further investigation is warranted and/or whether the evidence gathered requires the department head/commissioner/appointing authority to take immediate corrective action to prevent or eliminate an unlawful or inappropriate situation.

10. Deliberately False Accusations or Information

The County of Rockland recognizes that false accusations of discrimination, sexual harassment, and/or retaliation can have serious adverse effects on individuals impacted by such false accusations. The County trusts that all County employees and County associates will act responsibly, and not in bad faith, to maintain a working environment free of discrimination, sexual harassment, and/or retaliation. Knowingly making false accusations or providing false or misleading information during an investigation will be considered grounds for disciplinary action, up to and including dismissal. However, any complaint made in good faith, even if unsubstantiated, will not be considered a violation.

11. OERR Has Discretion in Processing Matters

Nothing in this Policy precludes OERR, in its discretion, from taking steps in addition to or different than stated in this Policy.

12. Legal Protections and External Remedies

Complainants may always report investigations internally to OERR or to a supervisor. Pursuant to this Policy, County employees and associates have the right to have their complaints investigated internally. However, nothing in this Policy should be construed as limiting an individual's right to file an external complaint. Individuals may file external complaints with any of the following agencies:

Equal Employment Opportunity Commission (EEOC)
Sixth Floor, Suite 6NW14G
131 M. Street, NE
Washington, DC 20507
Tel: 202-921-2945
Fax: 202-827-7541
E-Mail: oeo@eeoc.gov

The EEOC has district, area, and field offices where complaints can be filed. Employees may contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov, or via email at info@eeoc.gov.

NYS Division of Human Rights (NYS DHR)
One Fordham Plaza, 4th Floor
Bronx, NY 10458
Tel: 1-888392-3644
Fax: 718-741-8322
E-Mail: complaints@dhr.ny.gov

New York State Sexual Harassment Hotline: The Division of Human Rights has established a toll-free, confidential hotline to provide guidance for complaints of workplace sexual harassment. The number is 1-800-427-2773. The hotline is available during the State's regular business hours (9:00 a.m.-5:00 p.m.).

Contact the Local Police Department

If discrimination, sexual harassment, or retaliation involves potentially criminal conduct, such as excessive calls or texts, unwanted physical touching, coerced physical confinement, or coerced sex acts, employees and associates are within their rights to contact their local police agency or 911 in the event of an emergency. If County employees or associates fear for their safety, they should contact 911.

**DEPARTMENT OF PERSONNEL
OFFICE OF EMPLOYEE RIGHTS AND RELATIONS**

50 Sanatorium Road,
Building A
Pomona, New York 10970
Phone: (845) 364-3742
Fax: (845) 364-3738

Lori Gruebel
Commissioner of Personnel

APPENDIX II

DEFINITIONS

THE DEFINITIONS IN APPENDIX II REFERENCE TERMS IN APPENDIX I

**APPENDICES III-VII CONTAIN SEPARATE DEFINITIONS
SET FORTH WITHIN EACH APPENDIX**

The following definitions are for general guidance and information only and are not intended to be legally precise or exhaustive. When reviewing specific cases and investigating complaints, the County must follow the EEO laws and court decisions, not necessarily these Policy definitions.

Individuals Involved in the OERR Process

Party: Party refers to the Complainant or Respondent.

Complainant: Complainant refers to the individual who is subjected to or the target of discrimination, sexual harassment, or retaliation. The Complainant may have filed the complaint; however, under this Policy the allegations may have been filed or reported by someone other than the Complainant.

Respondent: Respondent refers to the individual who is alleged to have committed acts of discrimination, sexual harassment, or retaliation.

Witness: Witness refers to a person who may have information relevant to the allegations and may be expected to provide such information during an OERR investigation.

People and Places

County Employee: For purposes of the laws covered by this Policy, this includes any employee of the County, including but not limited to elected officials, appointed officials, public officers, department heads, commissioners, appointing authorities, managers, and supervisors.

County Associate: Non-employees, such as applicants, boards, board members, commissions, councils or committee members; volunteers; interns; contractors; subcontractors, vendors; consultants; suppliers and other categories of individuals working with or providing services for Rockland County but not directly employed by the County.

County Official: Includes all elected and appointed officials and public officers and includes board and commission members. The term "County official" is incorporated into the definition of "County employee."

Supervisor/Manager: For purposes of this Policy, a supervisor/manager is any employee or official (including elected officials) with supervisory responsibility or control over any other person or function, and any person who is management personnel but working independently (no direct reports). For purposes of this Policy, a "supervisor" includes the following positions/roles: Any supervisor, any manager, department heads, Commissioners, appointing authorities, County officials, public officers; Board and Commission members; and County associates with managerial

and/or supervisory authority with respect to County employees or other County associates. All of these positions/roles are referred to collectively in this Policy as “supervisor.”

ADA/Accommodations Officer: An employee designated by the department head/commissioner/appointing authority to assist in the processing of reasonable accommodations for qualified individuals with a disability, persons with sincerely held religious beliefs and practices, pregnant persons, nursing employees, and victims of domestic violence. The department head/commissioner/appointing authority may serve in this title.

Workplace: An office or other work-related setting, including, but not limited to: Work-related social functions and events held both on and off County premises; business related meetings whether on or off County property; approved business-related travel; remote work locations, including video conferencing; or any worksite during times when a County employee or associate is working for or representing the County.

Protected Characteristic/Class: Although workplace civility and respect of others in the workplace is expected as a measure of general workplace decorum, this Policy is not a general workplace civility standard and applies only to discrimination and harassment based on a legally protected characteristic/class. Protections under this Policy apply to an individual or group whose actual or perceived membership in a certain class or having a protected characteristic, as enumerated herein, is protected from discrimination or harassment by federal, state, or local law and/or regulation.

The legally protected categories as of the date of publication of this Policy are: age, alienage/citizenship, ethnicity/national origin, color/race (including, but not limited to, traits historically associated with race, such as hair texture and protective hairstyles), creed/religion, disability (including pregnancy-related conditions), familial status, gender/sex, gender identity or expression, sexual orientation, marital status, military status, predisposing genetic characteristics or carrier status, pregnancy, arrest/conviction history, status as a nursing employee, and status as a victim of domestic violence.⁷

Any questions regarding whether a County employee or associate is a member of a protected characteristic/class, and thus covered by the protections of this Policy, should be directed to OERR. Department heads/commissioners/appointing authorities, agency leaders, supervisors, and managers are responsible to know and understand which characteristics/classes are protected by law and thus covered by this Policy (whether or not specifically enumerated herein). If a supervisor/manager needs help understanding the categories of individuals protected by law

⁷ Please note: The state and federal government may modify or add to this list of protected characteristics/classes. Furthermore, state and federal courts and agencies from time to time may interpret “protected characteristics” in a manner that may modify the above list of protected characteristics/classes. OERR staff remain current in their knowledge of legal developments related to “protected characteristics.”

against discrimination and harassment, it is their obligation to contact their supervisor or OERR for information.

Legally Protected Characteristics/Classes. The following is a brief description of the legally protected characteristics/classes noted above:

Age: Except when specific age requirements are established by law or regulation, a person cannot be discriminated against based on their age (18 or older).

Alienage/Citizenship: The terms citizenship or immigration status mean the citizenship of any person or the immigration status of any person who is not a citizen of the United States. Nothing in this Policy shall preclude verification of citizenship or immigration status where required by law, nor shall an adverse action based on verification of citizenship or immigration status be prohibited where such adverse action is required by law. It shall not be an unlawful discriminatory practice for any person to discriminate on the ground of alienage or citizenship status to give preference to a person who is a citizen or native of the United States when such preference is expressly permitted or required by a federal, state, or local law/regulations.

Ethnicity/National Origin: National origin discrimination involves treating people unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not). National origin includes ancestry. National origin discrimination also can involve treating people unfavorably because they are married to (or associated with) a person of a certain national origin. Discrimination can occur when the victim and the person who inflicted the discrimination are of the same national origin. National origin differs from race/color or religion/creed because people of several races and religions or any of their line of descent may come from one nation. The term "national origin" includes members of all national groups and groups of persons of common heritage, ancestry, and background.

Race: Race includes a person's characteristics historically associated with race such as hair texture and protective hairstyles (e.g., braids, locks, twists, wigs, or other headwear), skin color, or facial features.

Color: Skin color and complexion. Discrimination can occur because of a preference for or aversion to a particular skin color/complexion.

Religion/Creed: Religious discrimination involves treating a person unfavorably because of their religious beliefs. Religious discrimination can also involve treating someone differently

because that person is married to (or associated with) an individual of a particular religion. Creed is a set of fundamental beliefs, whether or not they constitute a religion.

Disability: A physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques, or a record of such impairment, or a condition regarded by others as such an impairment, provided, however, that in all provisions of this Policy dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the employee from performing in a reasonable manner the activities involved in the job or occupation sought or held.

Pregnancy Related Conditions: A medical condition related to pregnancy or childbirth that inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques. However, the term shall be limited to conditions which, upon the provision of reasonable accommodations, do not prevent the person from performing in a reasonable manner the activities involved in the job or occupation sought or held; and provided further, however, that pregnancy-related conditions shall be treated as temporary disabilities.

Familial Status: Familial status discrimination occurs when employment decisions are based on familial status. The term "familial status" when used in this Policy means (a) any person who is pregnant, or has a child or is in the process of securing legal custody of any individual who has not attained the age of 18 years; or (b) one or more individuals (who have not attained the age of 18 years) being domiciled with: (1) a parent or another person having legal custody of such individual or individuals, or (2) the designee of such parent. Thus, employees and applicants are protected from discrimination on the basis that they are, or are in the process of becoming, the parent or guardian of one or more children.

Gender/Sex: Actual or perceived gender, pregnancy, or conditions related to pregnancy or childbirth. The prohibition against gender discrimination includes sexual harassment. The term "gender" also includes a person's actual or perceived gender identity and gender expression, meaning their self-image, appearance clothing, voice, behavior, expression, or other gender-related characteristic/class, regardless of the sex assigned to that person at birth. Gender discrimination may include, but is not limited to, denial of access to restrooms, locker rooms, and programs/activities based on gender or the use of name(s) and/or pronoun(s) in a manner that discriminates.

Gender Identity or Expression: Refers to a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic/class

regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

Sexual Orientation: Actual or perceived romantic, physical, or sexual attraction to other persons, or lack thereof, based on gender. A spectrum of sexual orientation exists and includes, but is not limited to, heterosexuality, homosexuality, bisexuality, asexuality, and pansexuality.

Marital Status/Partnership Status: Actual or perceived status of being in a registered domestic partnership. This includes married, divorced, single, or separated persons.

Status as a Military Veteran: A person's participation in the military service of the United States or the military service of the state, including but not limited to, the Armed Forces of United States, the Army National Guard, the Air National Guard, the New York Naval Militia, the New York Guard, and forces as may be created by the federal or state government as authorized by law.

Predisposing Genetic Characteristics/Carrier Status: An inherited gene or chromosome, or alteration thereof, determined by a genetic test or inferred from information derived from an individual or family member that is scientifically or medically believed to predispose an individual or the offspring of that individual to a disease or disability, or is associated with a statistically significant increased development of a physical or mental disease or disability; and/or information about an individual's genetic tests, the genetic tests of family members of such individual, or the manifestation of a disease or disorder in family members of such individual. The term includes any request for a receipt of genetic services (tests, counseling, or participation in clinical research by an individual or their family member) but excludes information about the sex or age of any individual.

Arrest/Conviction History: The New York State Executive Law and Article 23-A of the New York State Correction Law prohibit employers from denying employment to an individual based solely on certain conviction(s) for one or more criminal offenses. In certain public jobs and functions, a comprehensive background check is required, and certain types of arrests and convictions may be grounds for not hiring an applicant or may be a basis of disqualification or termination based on lack of qualification.

Status as a Victim of Domestic Violence: The New York State Human Rights Law protects victims of domestic violence from discrimination. The Human Rights Law defines a victim of domestic violence as a person meeting the definition found in Social Service Law § 459-a. Pursuant to Section 459-a, a victim of domestic violence means a victim of an act which would constitute a violation of the penal law, including, but not limited to acts constituting

disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation; and such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and such act or acts are or are alleged to have been committed by a family or household member. Thus, this protection applies to any person who is the victim of a crime committed by a family or household member, and also includes any person who is the parent of a child who is a victim of domestic violence.

Retaliation: Retaliation is retribution or the punishing of individuals for asserting their rights to be free from discrimination and sexual harassment. Retaliation is defined as an adverse action threatened or taken because a County employee or associate has engaged in "protected activity."

Sexual Harassment and Sex Discrimination Terms

Hostile Environment Sexual Harassment: A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation, or violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. A hostile environment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Quid Pro Quo Sexual Harassment: This type of sexual harassment occurs when a person in authority tries to trade job benefits for sexual favors or sexual attention. This can include hiring, promotion, continued employment, or any other terms, conditions, or privileges of employment.

Sex Stereotyping: When conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of that sex should act or look.

Sexual Favoritism: "Sexual favoritism" means that another employee has received preferential treatment with regard to promotion, work hours, assignments, or other significant employment benefits or opportunities because of a sexual relationship with an individual representative of the employer who was in a position to grant those preferences. Supervisors/managers must avoid all forms of favoritism, especially sex-based or gender-based favoritism, because favoritism gives rise to complaints of disparate treatment,

including sex/gender discrimination. Favoritism claims can also be based on other protected characteristics/class such as race, age, or religion. Even when unwanted sexual advances or comments have not occurred, a may establish hostile work **environment sexual harassment by showing her supervisor created an atmosphere that was severely demeaning sexually. Widespread sexual favoritism in the workplace can create a hostile or abusive work environment.**

Other Non-Discrimination Legal Definitions

Adverse Action: Action or inaction that affects a term, right, condition, or privilege of employment.

Cannabis Use: Except as otherwise required by law, employers cannot discriminate against a person based upon their legal use of cannabis in accordance with New York State law prior to the beginning of after the employee's work hours and off the employer's premises and without the use of the employer's equipment. Use of cannabis may still be prohibited for certain County positions and testing for marijuana/THC/cannabis/cannabis products may be required for specific types of jobs and or situations.

Caregiver Status: A caregiver is a person who provides direct and ongoing care for a minor child or care recipient. A care recipient is a person with a disability who is a covered relative or a person who resides in the caregiver's household and relies on the caregiver for medical care or to meet the needs of daily living. A covered relative includes a caregiver's child, spouse/domestic partner, parent, sibling, grandchild, grandparent, or the child of the parent of the caregiver's spouse/domestic partner, or any other person in a familiar relationship with the caregiver. Discrimination against, including disparate treatment and/or harassment, of a person with caregiving responsibilities may be unlawful when it is based on an applicant's or employee's sex (including pregnancy, sexual orientation, or gender identity), race, color, religion, national origin, age, disability, or genetic information (such as family medical history). Caregiver discrimination may also occur if employment decisions are based on an applicant's or employee's association with an individual with a disability, within the meaning of the Americans with Disabilities Act, or on the race, ethnicity, or other protected characteristic/class of the individual for whom care is provided. Finally, caregiver discrimination violates these laws if it is based on intersections among these characteristics/classes.

Credit History: An individual's credit standing, capacity, or payment history. Employers may not request or use an applicant's credit history to make employment decisions including hiring, compensation, and other terms and conditions of employment unless expressly permitted or required by law or regulation. Adverse actions toward an individual based on their credit history can be discriminatory.

Nursing/Breastfeeding Employees: Nursing employees have the right to express/pump breastmilk for such employee's nursing child at work for three years after giving birth in accordance with this Policy.

Protected Activity: "Protected activity" takes many forms. For example, it is unlawful to retaliate against applicants or employees for engaging in the following types of "protected activity":

- filing a discrimination, sexual harassment, or retaliation complaint either internally or externally;
- participating in or otherwise cooperating in the investigation of a discrimination, sexual harassment, and/or retaliation complaint;
- testifying or assisting in a proceeding involving discrimination, sexual harassment, or retaliation under any anti-discrimination law;
- encouraging or assisting another individual to pursue their rights under law or this Policy;
- opposing a policy or practice believed to constitute discrimination, sexual harassment, or retaliation;
- opposing discrimination or sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of discrimination or sexual harassment; and/or
- requesting a reasonable accommodation.

Salary History: Includes applicants current or prior wage, benefits, or other compensation, but not any objective measure of the applicant's productivity such as revenue, sales, or other production reports. Except as otherwise permitted by law, such as for an internal transfer or promotion within the County, the County is prohibited from inquiring about a job applicant's salary history or relying on their salary history in determining salary, benefits, or other compensation for such applicant during the hiring process.

Sexual and Reproductive Health Decisions: Sexual and reproductive health decisions are any decision to receive services related to the reproductive system and its functions. This includes but is not limited to: Family planning services and counseling, such as abortion, birth control, emergency contraception, sterilization, and pregnancy testing; fertility-related medical procedures; and sexually transmitted disease prevention, testing, and treatment. This includes the decision to receive hormone therapy or transition-related care involving the reproductive system or its functions. Employers are prohibited from treating employees less well than other employees or harassing them because of their sexual or reproductive health decisions.

Unemployment Status: The term unemployment means not having a job while being available for work and seeking employment. There are allowances in the law that allow an employer to consider an applicant's unemployment when there is a substantially job-related reason for doing so or to inquire into the circumstances surrounding an applicant's separation from prior employment.

DEPARTMENT OF PERSONNEL
OFFICE OF EMPLOYEE RIGHTS AND RELATIONS

50 Sanatorium Road,
Building A
Pomona, New York 10970
Phone: (845) 364-3742
Fax: (845) 364-3738

Lori Gruebel
Commissioner of Personnel

APPENDIX III

REASONABLE ACCOMMODATIONS
FOR PERSONS WITH DISABILITIES

1. Introduction and General Rules Applicable to the Accommodation Process

- a. The County is committed to providing equal employment opportunities to ***Qualified Individuals with Disabilities***. In so doing, the County has designed an interactive process by which a Qualified Individual with a Disability may seek ***Reasonable Accommodation*** for said disability as defined by federal and state employment laws.
- b. The County is committed to compliance with the federal Americans with Disabilities Act (“ADA”), and amendments and regulations related to the ADA, as well as New York State laws prohibiting disability discrimination. The County also complies with the Health Information Portability Accountability Act of 1996 (“HIPAA”).
- c. The County will not tolerate discrimination or retaliation against an individual based upon an actual or perceived disability, record of impairment, or relationship with a person with a disability.
- d. The County will provide reasonable accommodations to qualified employees with disabilities to enable such persons to perform all the essential functions of their jobs and to enjoy the equal benefits, rights, and privileges of employment. Likewise, the County may make reasonable accommodations to qualified applicants with disabilities to provide them with equal access to the application, interview, testing, and hiring process.
- e. The reasonable accommodation process for individuals with disabilities should be flexible and interactive, involving both the department/appointing authority/agency and the applicant/employee/County associate requesting such accommodation.⁸
- f. Accommodations should only be provided with cooperation and consultation with OERR. The department/appointing authority/agency must contact OERR before engaging in interaction with the applicant/employee/County associate in the accommodation process. OERR is responsible for the facilitation and coordination of reasonable accommodations, working with the department/appointing authority/agency designee as a resource.
- f. The County provides temporary, reasonable accommodations for qualified pregnant workers and applicants. See Appendix IV for details regarding pregnancy discrimination and reasonable accommodations for pregnant applicants and employees.
- g. Every department head/commissioner/appointing authority shall designate an ADA/Accommodations Officer within their department/authority/agency. The ADA/Accommodations Officer shall be responsible for working with OERR when providing accommodations, and to ensure effective communication between the person requesting an accommodation and the department/authority/agency at every stage of the reasonable accommodation process, and/or to provide such other assistance as is requested throughout the reasonable accommodation process.

⁸ While certain County associates are covered under this Policy, some County associates may fall under separate ADA guidelines for public accommodations in government facilities.

- h. Information with respect to reasonable accommodations due to disability must be kept confidential. Information will not be disclosed to other personnel except as necessary to evaluate and determine the reasonable accommodation request (“need to know” basis for disclosure). Each department will maintain, in separate confidential files, all documentation and information concerning the disability, medical condition, or health/medical history of an applicant or employee requesting a reasonable accommodation.
- i. This Appendix includes definitions applicable to disabilities as enumerated in federal and state law; a summary of the County’s interactive “Request for Reasonable Accommodations” process. This Appendix also includes the required forms to be completed by the:
 - individual seeking an accommodation;
 - the Individual’s medical provider; and
 - department head/appointing authority or ADA/Accommodations Officer who determines the feasibility of the accommodation requested and declares the County’s final determination (with OERR support).

Also attached is a worksheet designed to help guide the individual, the individual’s department head/appointing authority, the department’s ADA officer, and OERR in determining a Reasonable Accommodation for the Qualified Individual with a Disability.

2. Definitions Applicable to this Appendix

- a. **Qualified Individual with a Disability:** An applicant or employee who satisfies the requisite skill, experience, education, and other job-related requirements of a position and who, with reasonable accommodation (if needed), or without accommodation (if none is needed), can perform all essential functions of that position on a full-time basis.
- b. **Disability:** A physical or mental impairment that substantially limits one or more major life activities; or a record of such impairment; or being regarded as having such impairment.
- c. **Impairments:** Impairments may be permanent or temporary, but not transitory and minor. A transitory impairment has an actual or expected duration of six months or less. Impairments may be episodic or in remission provided it would substantially limit a major life activity when active. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, with the exception that the ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.
- d. **Major Life Activity** includes, but is not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, sitting, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, interactions with others, communicating, working, and/or the operation of a major bodily function.

- e. **Major Bodily Function** includes, but is not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- f. **Substantially Limits** – An impairment that prohibits or significantly restricts an individual’s ability to perform a major life activity as compared to the ability of the average person in the general population to perform the same activity.
- g. **Reasonable Accommodation** – Any modifications or adjustments made to policies, practices, procedure, or equipment in a job or work environment that enables a qualified employee with a disability to perform the essential functions of their job on a full-time basis, or to apply for a job position, or to enjoy the benefits and privileges of employment that are equal to those enjoyed by similarly situated employees without disabilities which does not fundamentally alter the nature of goods, services, facilities, privileges, advantages, or accommodations involved.
- h. **Essential Functions** – Duties that are fundamental to a position including, among others: those for which the position exists; those that only a limited number of employees are available to perform; those that the function of the job is so highly specialized that it must be held by an employee selected for the ability to perform that function; or those that cannot be delegated. The essentiality of a function is determined by considering factors such as: the County’s judgment; written job specifications, if any; the amount and/or proportion of time spent performing the function; the consequences of not requiring a function; the terms of a collective bargaining agreement; the work experience of people who have performed the job in the past; the work experience of incumbents; the nature of the work operation and its organizational structure.
- i. **Undue Hardship:** An action that requires significant difficulty or expense in relation to the size of the County, the resources available, and the nature of the County’s operations. More specifically, an undue hardship is an action that is excessively difficult, costly, extensive, substantial, or disruptive, or an accommodation which would fundamentally alter the nature or operation of the County’s business.
- j. **Pregnancy-Related Condition:** A medical condition related to pregnancy or childbirth that inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques.

3. **Interactive Process for Reasonable Accommodation**

Step 1: The Request

- a. Any County employee and certain associates may request a Reasonable Accommodation for a Disability from their department head/commissioner/appointing authority/manager/supervisor.
- b. The County employee/associate must be provided, or referred to, this Reasonable Accommodations section of this Policy.
- c. The department head/commissioner/appointing authority/manager/supervisor must be cognizant that the County employee/associate is not required to use the words

“reasonable accommodation” in making a request for a reasonable accommodation and may not be aware that a verbal request for an accommodation will require a formalized process. In this situation, the department head/commissioner/appointing authority/manager/supervisor must inform the County employee/associate that they are requesting a Reasonable Accommodation for a Disability, and that this request process is mandatory in order to engage in the interactive process to obtain a reasonable accommodation.

- d. The department head/commissioner/appointing authority/manager/supervisor must notify the department/agency’s ADA/Accommodations Officer that a County employee or associate has proffered a request for a Reasonable Accommodation for a Qualified Individual with a disability.
- e. The County employee/associate should complete the “Request Form for Reasonable Accommodation for Qualified Individuals with a Disabilities” detailing:
 - i. the nature of the disability;
 - ii. the major life activity that the disability substantially limits;
 - iii. the essential job function for which the accommodation is being requested; and
 - iv. the duration of time that the accommodation may be required.
- f. The Department of Personnel will provide the employee and ADA/Accommodations Officer with their official job description, which details the essential job functions of the position, along with the “Medical Provider Inquiry Form in Response to an Accommodation Request.”
- g. The County employee/associate should have their medical provider complete the “Medical Provider Inquiry Form in Response to an Accommodation Request,” which requires the medical provider to disclose:
 - i. if the employee/associate has a mental or physical impairment;
 - ii. the impairment;
 - iii. the duration of time that the County employee/associate will have this impairment;
 - iv. if the impairment substantially limits a major life activity and what activities are substantially limited due to the impairment;
 - v. if the impairment substantially limits a major bodily function and what bodily function(s) are affected by the impairment; and
 - vi. recommendations for the reasonable accommodation that the medical provider deems necessary for the employee/associate to perform their essential job functions.
- h. OERR may inquire regarding suitability of the medical provider submitting information and may communicate with the employee/associate regarding any concerns about the medical provider.
- i. If necessary, the supervisor, in consultation with OERR, may ask the County employee/associate to provide more information from a medical provider as it deems necessary pertaining to the specificity of the substantial limitation on major life activity(ies), major bodily function(s), and/or accommodation(s) the medical provider

deems necessary for the employee to perform their essential job functions. This should not be construed as a denial of the accommodation.

Step 2: The Evaluation

- a. The department head/commissioner/appointing authority (or the designated ADA/Accommodations Officer), in consultation with OERR will determine whether the County employee's/associate's reported impairment qualifies as a disability as defined by law and will consult with the Department of Personnel to determine the County employee/associate's essential job functions.
- b. Once the individual's essential job functions are determined, OERR will consult with the individual, the individual's department head and/or supervisor, and when applicable, the ADA/Accommodations Officer as to whether these job functions can be performed with a prescribed reasonable accommodation, or if they can be performed without a reasonable accommodation. An accommodation must not be unduly extensive, substantial, disruptive, or fundamentally alter the nature or operation of the business. If the employee/associate can perform their essential job functions with the aid of a reasonable accommodation, OERR, in consultation with the department head (or ADA/Accommodations Officer), the individual's supervisor(s) (if applicable), and the employee/associate, will evaluate options regarding the accommodation(s) to determine what will enable the employee to perform their essential job functions.
- c. Although not required, and not binding, the employee/associate, their supervisor (if applicable), the ADA/Accommodations Officer, and OERR may meet to discuss possible accommodations that could be arranged so that the employee/associate can perform their essential job functions. The County has provided a worksheet that can be helpful in this optional process.
- d. While the employee's input as to the preferred reasonable accommodation is valuable, the County chooses the reasonable accommodation and the employee has a right to a reasonable accommodation, not their preferred accommodation.

Step 3: The Determination

- a. The department head/commissioner/appointing authority, in consultation with OERR, will finally determine whether the accommodation requested is reasonable or if it imposes an undue hardship upon the County, or whether an alternate accommodation is reasonable. The County will endeavor to make this determination within thirty (30) calendar days from the date of the submitted request.
- b. If the Reasonable Accommodation requested is feasible, does not permanently remove an essential function, and does not impose an undue hardship, the County will arrange for it to be granted to the individual.
- c. If the Reasonable Accommodation requested permanently removes an essential function or imposes an undue hardship upon the County, then the County will deny it.

- d. If the individual disagrees with the denial, they will have fifteen (15) calendar days from the date of denial to appeal the department head's decision to the Office of the County Executive.
- e. Within thirty (30) calendar days of the receipt of the appeal, the County Executive's designee shall:
 - i. obtain and review all documentation including the review of the essential job functions, job-related limitations of the applicant or employee and possible accommodations relating to the request for a reasonable accommodation request and process;
 - ii. meet with the applicant or employee and the department ADA/Accommodations Officer;
 - iii. consult with OERR and the Office of the County Attorney, as applicable; and
 - iv. issue a written determination of the appeal.

Step 4: Post Accommodation Follow-Up Evaluations

- a. The department head (or ADA/Accommodations Officer), OERR, the employee/associate and the employee's/associate's supervisor may meet as deemed appropriate by OERR after the installation/implementation of the Reasonable Accommodation.
- b. During this meeting, all parties will discuss the effectiveness of the accommodation in allowing the employee to perform their essential job functions.
 - i. If the accommodation has been effective, then the parties will resolve to meet again within a reasonable time for further evaluation based upon the medical documentation submitted.
 - ii. If the accommodation provided has not been effective in allowing the employee to perform their essential job functions, then the parties will re-visit the Reasonable Accommodations process, during which the needs of the individual will be re-evaluated either for:
 - (a) modification of the accommodation that had been granted that will allow the employee to perform their essential job functions; or
 - (b) an alternative accommodation that will allow the employee to perform their essential job functions.
- c. Each department and OERR will maintain, in separate confidential files, all documentation and information concerning the disability, medical condition, or health/medical history of an employee, associate, or applicant requesting a reasonable accommodation. All information, including a statement of the employee requesting a reasonable accommodation or any other documentation, record, and the fact the individual has requested or obtained a reasonable accommodation, shall be confidential, except to the extent that disclosure is requested or consented to in

writing by the person with such status or is otherwise subject to disclosure required by federal, state or local law, policy, or procedure.

DEPARTMENT OF PERSONNEL
OFFICE OF EMPLOYEE RIGHTS AND RELATIONS

50 Sanatorium Road, Building A
Pomona, New York 10970
Phone: (845) 364-3742
Fax: (845) 364-3738

Lori Gruebel
Commissioner of Personnel

APPENDIX IV

**REASONABLE ACCOMMODATIONS FOR
RELIGIOUS PRACTICE OR OBSERVANCE**

The County is committed to reasonably accommodating County employees and associates, and applicants, with sincerely held religious observances or practices that may conflict with their working/application/testing conditions, provided there is no undue hardship to the County.⁹ The County has designed an interactive process by which a person with a sincerely held religious observance or practice may seek a Reasonable Accommodation.

1. Reasonable Accommodations

- a. In the granting of an accommodation for religious practice or observance, an employee/associate may not be required to remain at their place of employment during any day(s) or portions thereof that the County employee/associate observes as their Sabbath or other holy day as a requirement of the employee's/associate/applicant's religion. This may include a reasonable amount of travel time back to their home.
- b. Whenever practicable, in the reasonable judgment of the supervisor, an equivalent number of work hours may be made up at a mutually convenient time for the County and the employee/associate/applicant, provided that such accommodation does not violate federal or state labor laws or existing collective bargaining agreements.
- c. The supervisor may also grant reasonable flexibility to the employee/associate/applicant during their workday to utilize their break/lunch periods (as defined in the employee's applicable collective bargaining agreement) in a way that will allow the employee/associate their daily religious observance requirements.
- d. If such an arrangement is not possible, then the amount of time absent from work will be charged to an employee's leave with pay credits, other than sick leave. If the employee/associate does not have enough leave time accrued, the absence will be treated as leave taken without pay.
- e. Employees shall not be entitled to overtime (other than legally required overtime pursuant to the Fair Labor Standards Act), shift differential, premium wages, or other benefits for work performed if the employee is working during such hours only as an accommodation to their sincerely held religious requirements.

2. Procedure

- a. If the employee/associate requires a reasonable accommodation for sincerely held religious practice or observance, they should be required to complete the attached Request Form and submit it to their supervisor.¹⁰

⁹ External and internal applicants requiring an alternate Civil Service test date for a religious accommodation may request an alternate examination date using the Request for a Religious Accommodation Form (not included with this Policy), which can be located on the Rockland County website <http://rocklandcountyny.gov> at Departments>Personnel>For Job Seekers>Applicant/Candidate Resources & Forms> Alternate Test Date Policy including Request for a Religious Accommodation. The completed form must be submitted to RCExams@co.rockland.ny.us or by mailing to: Rockland County Department of Personnel, Attn: Exams Unit, 50 Sanatorium Road, Pomona, New York 10970. All requests must be made in advance, no later than seven (7) days prior to the scheduled examination date.

¹⁰ Employees, associates, and applicants may also directly contact OERR to request a reasonable accommodation.

- b. The department head/commissioner/appointing authority/Accommodations Officer should consult with the employee's/ associate's supervisor(s) to evaluate the feasibility of the employee's/associate's request. (But see c., below, as an interactive process (back and forth conversation) may be required with the employee to discuss a reasonable accommodation. The department head/commissioner/appointing authority must respond in writing to the employee within thirty (30) calendar days.
- c. If required, the supervisor(s) may engage with the employee/associate to determine an alternative accommodation that allows the employee/associate to meet their religious obligations without creating an undue hardship to the work operation. When evaluating whether an accommodation request is reasonable, the department head/commissioner/appointing authority should not simply evaluate one possible accommodation for reasonableness. If a particular accommodation requested is deemed an undue hardship, consideration of other options is necessary and should be discussed interactively with the employee who made the accommodation request.
- d. An "undue hardship" is an action that is significantly expensive or difficult (including a significant interference with the safe or efficient operation of the workplace) or results in a violation of a *bona fide* seniority system. An undue hardship would also result where an employee/associate is unable to perform the essential job function for their position. In cases of religious accommodation, impacts and inconveniences on co-workers alone, that do not give rise to a substantial increased cost to the County, likely do not create undue hardship sufficient to deny an accommodation request.
- e. Either the department head/commissioner/appointing authority and/or the employee/associate may request, at any point in the procedure, additional consultation with OERR.
- f. If the department head/commissioner/appointing authority/manager/supervisor grants the employee's/associate's Reasonable Accommodation request, it should be implemented in an expeditious manner.
- g. All approvals must be documented by the department head/commissioner/appointing authority and all approval documents/records must be sent to OERR.
- h. If the department head/commissioner/appointing authority/manager/supervisor believes that a request for a Reasonable Accommodation for Religious Practice or Observance cannot be accommodated, they must first notify OERR. If after consultation the request is denied, the employee/associate has the right to appeal the decision to the Office of the County Executive within fifteen (15) calendar days of the date of denial. Within thirty (30) calendar days of the receipt of the appeal, the County Executive's designee shall:
 - i. Obtain and review all documentation including possible accommodations relating to the request for a reasonable accommodation request and process;
 - ii. Meet with the employee/associate and the department head;
 - iii. Consult with OERR and the Office of the County Attorney, as necessary; and

- iv. Issue a written determination on appeal.

Anti-Discrimination and Equal Employment Opportunity

1. The County prohibits retaliation against an employee/associate who has complained of religious discrimination, or who has sought and/or been granted reasonable accommodations for a sincerely held religious observance or practice. Any individual who has engaged in "protected activity" will be protected by the anti-retaliation restrictions stated in this Policy.

2. Each department and OERR will maintain, in separate confidential files, all documentation and information concerning the religious accommodation history of an employee, associate, or applicant requesting a reasonable accommodation. All information, including a statement of the employee requesting a reasonable accommodation or any other documentation, record, and the fact the individual has requested or obtained a reasonable accommodation, shall be confidential, except to the extent that disclosure is requested or consented to in writing by the person with such status or is otherwise subject to disclosure required by federal, state or local law, policy, or procedure.

DEPARTMENT OF PERSONNEL

OFFICE OF EMPLOYEE RIGHTS AND RELATIONS

50 Sanatorium Road, Building A

Pomona, New York 10970

Phone: (845) 364-3742

Fax: (845) 364-3738

Lori Gruebel

Commissioner of Personnel

APPENDIX V

**REASONABLE ACCOMMODATIONS
FOR PREGNANT WORKERS**

Background/Definitions

1. The County prohibits discrimination against pregnant employees/associates/applicants and will make reasonable accommodations for pregnant employees as required by law. The County has designed an interactive process by which pregnant persons may seek a Reasonable Accommodation.
 - a. Sex discrimination, disability discrimination, and familial status discrimination are unlawful pursuant to the New York State Human Rights Law § 296.1 (codified as N.Y. Executive Law, Article 15) and the federal Civil Rights Act of 1964, Title VII (codified as 42 U.S.C. § 2000e et seq.), and the federal Americans with Disabilities Act, Title I (codified as 42 U.S.C. § 12101 et seq.).
 - b. Pregnancy discrimination is a form of sex discrimination, and it can also be a form of familial status discrimination because the definition of familial status at N.Y. Executive Law § 292.26 includes the status of being pregnant.
 - c. Therefore, in accordance with the above laws, and the federal Pregnant Workers Fairness Act ("PWFA") (effective June 2023), the County prohibits discrimination against an applicant or employee because of their need for a pregnancy-related accommodation.
2. Pregnancy discrimination means taking any adverse action against an employee/associate because the employee/associate is pregnant, intends to become pregnant, recently was pregnant, or recently gave birth. Examples of such adverse actions would include termination, demotion, unwanted transfer, denial of overtime, unwanted reduction of work schedule, forced leave of absence, harassment, or any other adverse action relating to the terms, conditions, or privileges of employment.
3. The term "pregnancy-related condition" means a medical condition related to pregnancy or childbirth that inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; however, the term is limited to conditions which, upon the provision of reasonable accommodations, do not prevent the employee/applicant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

Policy Requirements

1. Treating pregnancy-related conditions differently from other medical conditions can be disability discrimination. For the purposes of this Policy, persons with pregnancy-related conditions shall be treated the same as persons with temporary disabilities.
2. The County also will provide temporary, reasonable accommodations for qualified pregnant workers and applicants. To be eligible for an accommodation, the pregnant applicant or employee must have a medical condition related to pregnancy or childbirth. Therefore, denial of a reasonable

accommodation for a pregnancy-related medical condition may constitute sex and/or disability discrimination.

3. Any medically-advised restrictions or needs related to pregnancy will trigger the need to accommodate, including such things as the need for extra bathroom breaks or increased water intake.
4. Normally, temporary disabilities may be accommodated by the grant of a reasonable amount of time off for recovery, however, requiring paid or unpaid leaves of absence for pregnancy/pregnancy-related conditions is not acceptable pursuant to the PWFA if another reasonable accommodation is available that enables the employee to continue working.
5. As with other temporary disabilities, the County is not required to provide more than the minimum needed accommodation(s) for pregnancy-related conditions in the areas of worksite accessibility, acquisition or modification of equipment, or job restructuring.

Procedure

1. The employee seeking an accommodation should contact their manager/supervisor/department head /commissioner/appointing authority/ Accommodations Officer or OERR to engage in an interactive process to determine what reasonable accommodation will permit the employee to perform the activities involved in the job. In this regard, the employee must cooperate in providing medical or other information that is necessary to verify the existence of the disability or pregnancy-related condition, or that is necessary for consideration of the accommodation. The employee has a right to have such medical information kept confidential.
2. If the employee/associate requires a reasonable accommodation for pregnancy-related conditions, they should be required to complete the attached Request Form and submit it to their supervisor.
3. The department head/commissioner/appointing authority should consult with the employee's/ associate's supervisor(s) to evaluate the feasibility of the employee's/associate's request. The interactive process (back and forth conversation) may be required with the employee to discuss a reasonable accommodation. The department head/commissioner/appointing authority must respond in writing to the employee within thirty (30) calendar days.
4. If required, the supervisor(s) may engage with the employee/associate to determine an alternative accommodation that allows the employee/associate to meet their needs without creating an undue hardship to the work operation. When evaluating whether an accommodation request is reasonable, the department head/commissioner/appointing authority should not simply evaluate one possible accommodation for reasonableness. If a particular accommodation requested is deemed an undue

hardship, consideration of other options is necessary and should be discussed interactively with the employee who made the accommodation request.

5. An “undue hardship” is an action that is significantly expensive or difficult (including a significant interference with the safe or efficient operation of the workplace) or results in a violation of a *bona fide* seniority system. An undue hardship would also result where an employee/associate is unable to perform the essential job function for their position. In cases of pregnancy-related condition accommodations, impacts and inconveniences on co-workers alone, that do not give rise to a substantial increased cost to the County, likely do not create undue hardship sufficient to deny an accommodation request.
6. Either the department head/commissioner/appointing authority and/or the employee/associate may request, at any point in the procedure, additional consultation with OERR.
7. If the department head/commissioner/appointing authority/manager/supervisor grants the employee’s/associate’s Reasonable Accommodation request, it should be implemented in an expeditious manner.
8. All approvals must be documented by the department head/commissioner/appointing authority and all approval documents/records must be sent to OERR.
9. If the department head/commissioner/appointing authority/manager/supervisor believes that a request for a Reasonable Accommodation for a pregnancy-related condition cannot be accommodated, they must first notify OERR. If after consultation the request is denied, the employee/associate has the right to appeal the decision to the Office of the County Executive within fifteen (15) calendar days of the date of denial. Within thirty (30) calendar days of the receipt of the appeal, the County Executive’s designee shall:
 - i. Obtain and review all documentation including possible accommodations relating to the request for a reasonable accommodation request and process;
 - ii. Meet with the employee/associate and the department head;
 - iii. Consult with OERR and the Office of the County Attorney, as necessary; and
 - iv. Issue a written determination on appeal.

Anti-Discrimination and Equal Employment Opportunity

- a. The County prohibits retaliation against an employee/associate who has complained of pregnancy discrimination, or who has sought and/or been granted reasonable accommodations for a pregnancy-related condition. Any individual who has engaged in “protected activity” will be protected by the anti-retaliation restrictions stated in this Policy.

- b. Each department and OERR will maintain, in separate confidential files, all documentation and information concerning the pregnancy-related accommodation history of an employee, associate, or applicant requesting a reasonable accommodation. All information, including a statement of the employee requesting a reasonable accommodation or any other documentation, record, and the fact the individual has requested or obtained a reasonable accommodation, shall be confidential, except to the extent that disclosure is requested or consented to in writing by the person with such status or is otherwise subject to disclosure required by federal, state or local law, policy, or procedure.

DEPARTMENT OF PERSONNEL

OFFICE OF EMPLOYEE RIGHTS AND RELATIONS

50 Sanatorium Road, Building A

Pomona, New York 10970

Phone: (845) 364-3742

Fax: (845) 364-3738

Lori Gruebel

Commissioner of Personnel

APPENDIX VI

**REASONABLE ACCOMMODATIONS
TO EXPRESS BREAST MILK**

Background

1. This appendix sets forth the lactation accommodations that are provided to employees needing to express breast milk at work. The County supports the rights of employees to express breast milk in the workplace and complies with all related federal, state, and local laws and/or any applicable collective bargaining agreements, contracts, or policies. The County supports engaging in the interactive process with employees to determine whether reasonable accommodations can be made.
2. This Appendix applies to both Fair Labor Standards Act Exempt and Fair Labor Standards Act Non-Exempt employees.
3. Terms relating to employees expressing breast milk at work includes all employees regardless of the employee's gender identity or expression.

Eligibility

This appendix covers employees with a need to express breast milk for such employee's nursing child for up to three (3) years following childbirth.

I. Lactation Accommodations

A. Reasonable Time to Express Breast Milk

1. In accordance with New York State Labor Law Section 206-c, the County provides thirty (30) minutes of paid break time for employees to express breast milk for such employee's nursing child when the employee has a reasonable need to express milk at work. Employees will be permitted to use existing paid break or mealtime if they need additional time for breast milk expression beyond the paid thirty (30) minutes. The thirty (30) minutes of paid break time is in addition to any regularly scheduled break or mealtime. Employees may take shorter breaks (less than thirty (30) minutes to express breast milk) if they choose.
2. The number of paid breaks an employee will need is unique to each employee and the County will provide reasonable break times based on the individual.
3. Employees who express breast milk in the workplace will not be required to work before or after their normal shift to make up for any time used as paid break time to express breast milk. Paid break time for breast milk expression may not be deducted from the employee's regular paid break or meal time. The paid time for breast milk expression is in addition to any regularly paid break time or meal time.

4. While the County cannot require an employee to complete work tasks while expressing breast milk, an employee is not otherwise prevented from voluntarily choosing to do so.

B. Location to Express Breast Milk

1. The County will designate a clean, well-lit room or location to allow employees who are nursing to express breast milk. Such room or location will be a place, other than a restroom or toilet stall, that is (i) in close proximity to the work area; (ii) well lit (via natural or artificial light); (iii) shielded from view; (iv) free from intrusion from other persons in the workplace or the public. Such room or other location shall provide, at minimum, a chair, a small table/desk/counter or other flat surface, nearby access to clean running water and, if the workplace is supplied with electricity, an electrical outlet. If the lactation room has a window, it must be covered with a blind, curtain, or other covering. In addition, the lactation room should have a door equipped with a functional lock (if this is not possible, as a last resort, the County must use a sign advising the space is in use and not available to other employees or the public).
2. There does not need to be a separate space for every nursing employee. The County may dedicate a single room or other location for breast milk expression. Should there be more than one employee at a time needing access to a lactation room, a department head/commissioner/appointing authority may dedicate a centralized location to be used by all employees. Department heads/commissioners/appointing authorities located in shared work areas may work together to establish and maintain a dedicated lactation room, as long as such space(s) are a reasonable distance from the employees using the room. Each department head/commissioner/appointing authority using this common space is individually responsible for ensuring the room meets the needs of their employee(s). If there is not a separate room or space available for lactation, an employer may use a vacant office or other available room on a temporary basis. This room must not be accessible to the public or other employees while an employee is using it for breast milk expression. As a last resort, an available cubicle may be used for breast milk expression but only if the cubicle is fully enclosed with a partition, is not otherwise accessible to the public or other employees while being used for breast milk expression, and the cubicle walls are at least seven (7) feet tall to ensure employee privacy. In the event a fully enclosed cubicle does not have a functional lock, the County must use a sign advising the space is in use and not available to other employees or the public. The space designated for expressing breast milk must be maintained and clean at all times.
3. If there is a communal employee use refrigerator within reasonable proximity to the employee's work area, employees must be permitted to use it to store breast milk. However, the County is not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator in the workplace.

Employees must store all expressed breast milk in closed containers and bring expressed breast milk home at the end of the employee's workday.

4. Where compliance with the lactation room requirements set forth in this appendix are impracticable because it would impose an undue hardship on the County by causing significant difficulty or expense when considered in relation to the size and financial resources of the County, or due to the nature or structure of the business operation, the County must still provide the break time and must make reasonable efforts to provide a room or other location, other than a restroom or toilet stall, that is in close proximity to the work area where an employee can express breast milk in privacy. The department head/commissioner/appointing authority must confer with OERR before notifying an employee of an undue hardship in providing a space for lactation that meets the requirements set forth above.

II. Process and Responsibilities

1. If an employee wants to express breast milk at work, they must provide reasonable advance notice (generally, before returning to the workplace if the employee is on leave). Employees should submit a written request utilizing the OERR Request to Express Breast Milk Form to their direct supervisor/manager or OERR. The employee will receive a response within five (5) business days from their supervisor/manager or OERR. The supervisor/manager should provide the OERR Request to Express Breast Milk Form to their Department Head/ designated Accommodations Officer for final approval.
2. Each department head/commissioner/appointing authority must provide notice to all employees (via email or printed memo) when a room or other location has been designated for breast milk expression.
3. County employees will be informed about the right to take paid leave for the purpose of expressing breast milk (i) when they are hired; (ii) once a year thereafter; and (iii) any time the employee returns from work following the birth of a child. Such notice will be provided via email or printed memo.
4. All department heads/commissioners/appointing authorities must notify OERR of all requests to express breast milk in the workplace.
5. All approvals must be documented by the department head/commissioner/appointing authority and all approval documents/records must be sent to OERR.

6. Employees who work remotely have the same rights to paid time off for the purpose of expressing breast milk as all other employees who perform their work in-person.
7. For other related accommodations requests, employees should contact their supervisor/manager or OERR.

III. Anti-Discrimination and Equal Employment Opportunity

1. The County prohibits discrimination or retaliation against any employee who chooses to express breast milk in the workplace, who has sought and/or been granted reasonable accommodations for expressing breast milk in the workplace, or who files a complaint internally or externally. Any individual who has engaged in "protected activity" will be protected by the anti-retaliation restrictions stated in this Policy.
2. Each department and OERR will maintain, in separate confidential files, all documentation and information concerning the accommodation history of an employee, associate, or applicant requesting a reasonable accommodation to express breast milk. All information, including a statement of the employee requesting a reasonable accommodation or any other documentation, record, and the fact the individual has requested or obtained a reasonable accommodation, shall be confidential, except to the extent that disclosure is requested or consented to in writing by the person with such status or is otherwise subject to disclosure required by federal, state or local law, policy, or procedure.



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OFFICE OF EMPLOYEE RIGHTS AND RELATIONS

50 Sanatorium Road, Building A

Pomona, New York 10970

Phone: (845) 364-3742

Fax: (845) 364-3738

Lori Gruebel

Commissioner of Personnel

APPENDIX VII

**REASONABLE ACCOMMODATIONS FOR
VICTIMS OF DOMESTIC VIOLENCE**

1. Domestic Violence Non-Discrimination Requirements

- a. Pursuant to this Policy and applicable state law, the County prohibits discrimination against employees, associates, and applicants who are victims of domestic violence and where appropriate, and where doing so would not cause an undue hardship to the County, the County will provide reasonable accommodations to employees/applicants who are victims of domestic violence.¹¹ The County has designed an interactive process by which an employee, associate, or applicant may seek a Reasonable Accommodation.
- b. Pursuant to the New York State Human Rights Law § 296, a victim of domestic violence is any person over the age of 16, any married person or any parent accompanied by their minor child or children in situations in which such person or such person's child is a victim of an act which would constitute a violation of the penal laws¹² and (i) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and (ii) such act or acts are or are alleged to have been committed by a family or household member. The following acts are deemed to be unlawful discriminatory practices in violation of this Policy:
 - i. refusing to hire or employ someone because they are a victim of domestic violence;
 - ii. terminating someone because they are a victim of domestic violence;
 - iii. discriminating against a victim of domestic violence with respect to compensation or the terms, conditions, or privileges of their employment;
 - iv. printing or circulating any statement, advertisement, or publication that expresses any limitation, specification, or discrimination about someone's status as a victim of domestic violence; or
 - v. using an employment application or making an employment inquiry that expresses any limitation, specification, or discrimination about someone's status as a victim of domestic violence.

2. Reasonable Accommodations

- a. The County will reasonably accommodate employees who are victims of domestic violence that require paid and/or unpaid time off from work for because they must be out of work for a reasonable period of time, provided the employee requests

¹¹ The County is also committed to providing a supportive environment where victims of domestic violence are able to seek assistance without fear of reproach; develop responsive policies and procedures to handle domestic violence among employees; provide assistance to employees; appropriately discipline employees who are perpetrators of abuse; offer training regarding recognition and response to domestic violence; and offer information and referrals. (**See, Executive Order 2000-4: County of Rockland Domestic Violence Executive Order and Abuse Employee Awareness and Assistance Executive Order**) (hereinafter referred to as "EO 2000-4"), which is a separate and distinct policy.

¹² Acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation.

the time off from their supervisor/manager, their department head/commissioner/appointing authority/Accommodations Officer, or by contacting OERR directly.

- b. Departments/appointing authorities/agencies shall provide reasonable accommodations that do not create an undue hardship and that enable the employee to satisfy the essential job functions, provided that the employee's status as a victim of a domestic violence is known, or should have been known, by the department/appointing authority/agency. Ultimately, employees will be required to submit the Accommodation Request Form contained in Appendix IX.
- c. After receiving an employee's request, the County will engage with the employee in a process to determine potential reasonable accommodations.
- d. The County may provide a reasonable accommodation of time off from work for a reasonable time for the following reasons only:
 - i. to seek medical attention for injuries caused by domestic violence including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of the domestic violence against the child; or
 - ii. to obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence; or
 - iii. to obtain psychological counseling related to an incident or incidents of domestic violence, including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of the domestic violence against the child; or
 - iv. to participate in safety planning and taking other actions to increase safety from future incidents of domestic violence, including temporary or permanent relocation; or
 - v. to obtain legal services, assisting in the prosecution of the offense, or appearing in court in relation to the incident or incidents of domestic violence.
- e. The County will make all determinations about reasonable accommodations on a case-by-case basis considering various factors and based on an individualized assessment in each situation.
- f. If the department head/commissioner/appointing authority/manager/supervisor believes that a request for a Reasonable Accommodation for a victim of domestic violence cannot be accommodated, they must first notify OERR.

3. Notice of Need for Leave

Employees requiring leave from work as a reasonable accommodation because of their status as a victim of domestic violence must provide the County with reasonable advance notice of such required absence, unless providing such notice is not feasible. In circumstances where it is not feasible to provide advance notice, the County may require

an employee taking leave as a reasonable accommodation to provide certification in the form of:

- a. a police report indicating that the employee or their child was a victim of domestic violence;
- b. a court order protecting or separating the employee or their child from the perpetrator of an act of domestic violence;
- c. other evidence from the court or prosecuting attorney that the employee appeared in court; or
- d. documentation from a medical professional, domestic violence advocate, health care provider, or counselor that the employee or their child was undergoing counseling or treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.

4. Paid or Unpaid Status of Leave: Employees granted leave as a reasonable accommodation due to domestic violence may have the time off charged against any applicable paid time off accruals to which the employee may be entitled. If the employee has no available paid time off, the time off may be treated as unpaid time.

5. Protective or Restraining Orders: All employees who obtain a protective or restraining order that lists specific County locations as being protected areas must provide a copy of the petition and order to their department head/appointing authority/commissioner immediately, who will work with OERR to determine how this order will be properly administered and enforced.

6. Employees Who Commit Acts or Threats of Domestic Violence: An employee who directly or indirectly threatens, harasses, or abuses a family or household member at, or from, the workplace may be subject to disciplinary action up to and including termination. This includes:

- a. employees who use County resources such as phones, fax machines, e-mail, mail or other means to threaten, harass or abuse a family or household member;
- b. committing an act of domestic violence from or at the workplace or from any other location while on County business;
- c. misusing their job-related authority and/or their access to confidential information in order to knowingly or recklessly negatively affect victims and/or knowingly or recklessly assist abusers in locating a victim or to knowingly or recklessly protect an abuser from appropriate consequences for their behavior;
- d. any other action that could be deemed as knowingly or recklessly perpetrating, abetting, promoting or condoning an act of domestic violence at or from the workplace.

7. Absenteeism and/or tardiness related to an employee's status as a victim of domestic violence may be tolerated so long as it meets the requirements set forth in Section 2(d) and it does not constitute an undue hardship to the County. Where applicable, documentation for absenteeism and/or tardiness may be required by the employee's Department Head/Commissioner/appointing authority or by OERR. If documentation is sensitive or court protected, the employee, associate, or applicant may elect to directly contact OERR to discuss such documentation.
8. In compliance with New York State Penal Law §215.14, an employee who is the victim of a domestic violence offense or has witnessed a domestic violence offense may:
 - a. Be granted leave without pay to appear as a witness, consult with the district attorney, or exercise their rights provided in criminal procedure law, the family court act, or the executive law, provided that the request is made prior to the date of the absence;
 - b. The County may require proof of certification of the employee's status in addition to verification from the party who sought the employee's attendance or testimony. Such documentation must be provided to the department within a reasonable period after a request has been made.
9. **Notification by Department to OERR:** All department heads/commissioners/appointing authorities must notify OERR of all requests for reasonable accommodations for victims of domestic violence.
10. **Documentation of Approvals:** All approvals must be documented by the department head/commissioner/appointing authority and all documents/records must be sent to OERR.
11. **Confidentiality:** All information, including a statement of the employee requesting a reasonable accommodation or any other documentation, record, and the fact the individual has requested or obtained a reasonable accommodation, shall be confidential, except to the extent that disclosure is requested or consented to in writing by the person with such status or is otherwise subject to disclosure required by federal, state or local law, policy, or procedure.

Anti-Discrimination and Equal Employment Opportunity

1. The County prohibits retaliation against an employee/associate who has complained of their status as a victim of domestic violence, or who has sought and/or been granted reasonable accommodations based on their status as a victim of domestic violence. Any individual who has engaged in "protected activity" will be protected by the anti-retaliation restrictions stated in this Policy.
2. Each department and OERR will maintain, in separate confidential files, all documentation and information concerning the accommodation history of an employee, associate, or applicant requesting a reasonable accommodation based on their status as a victim of domestic violence. All information, including a statement of the employee requesting a reasonable accommodation or any other documentation, record, and the fact the individual has requested or obtained a reasonable accommodation, shall be confidential, except to the extent that disclosure is requested or consented to in writing by the person with such status or is otherwise subject to disclosure required by federal, state or local law, policy, or procedure.

DEPARTMENT OF PERSONNEL
OFFICE OF EMPLOYEE RIGHTS AND RELATIONS

50 Sanatorium Road, Building A
Pomona, New York 10970
Phone: (845) 364-3742
Fax: (845) 364-3738

Lori Gruebel
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APPENDIX VIII

EQUAL EMPLOYMENT OPPORTUNITY
PROGRAMS

The County is engaged on an ongoing basis in the development and implementation of programs to ensure access to employment and advancement for qualified individuals in accordance with this Policy, and to eliminate any discriminatory employment practices and their consequences as they affect legally protected characteristics/classes. These programs, which may include, but are not limited to those enumerated below, will be implemented to the extent feasible based upon available County resources, time, and budgetary factors. OERR will monitor and evaluate such programs on an ongoing basis.

SECTION A. Recruitment

1. A proactive recruiting program may include, but is not limited to:
 - a. expansion of active recruitment contacts and sources to underrepresented groups, including, but not limited to: women, people of color, members of military or veterans, mature workers, and qualified individuals with disabilities;
 - b. maintenance of active contacts with community, civic, professional and multi-lingual organizations, and institutions of higher learning;
 - c. aiding individual departments, at their request, in the promulgation and/or recruitment of underrepresented characteristics/classes for County of Rockland employment opportunities;
 - d. posting and advertising of available job and promotional opportunities in a conspicuous, public, and timely fashion;
 - e. establishing ongoing contacts with guidance and vocational personnel within local school districts, colleges, and promoting services for people with disabilities, to provide information about career opportunities, counseling and information relative to employment preparation and training with the County of Rockland;
 - f. composing and designing recruitment literature to reflect the diversity of the County's population;
 - g. arranging for local media to broadcast public service announcements and preparing interviews or materials regarding career opportunities in local government for public dissemination;
 - h. reviewing job descriptions, including minimum qualifications and minimum education requirements, and turnover rates to determine vacancy patterns in order to plan appropriate recruitment efforts; and
 - i. reviewing methods and techniques used in interviewing job applicants.

SECTION B. Selection, Appointment, and Assignment

1. An appointment and assignment process that may include, but is not limited to:
 - a. increasing employment opportunities for the individuals with disabilities by adopting specific, non- competitive positions in accordance with provisions of Section 55(a) of the Civil Service Law when appropriate for the County to do so;

- b. expanding access to employment in order to afford non-professional staff the opportunity for promotions into technical and professional positions;
- c. analyzing reasons for non-selection of qualified job applicants within the protected classes;
- d. reviewing job criteria and physical requirements to ensure that they are not discriminatory and that job qualifications are relevant to job performance and duties; and
- e. conducting post-examination reviews of test questions to identify possible discriminatory impact upon enumerated characteristics/classes and advising the New York State Department of Civil Service of identified items.

SECTION C. Other Personnel and Managerial Actions

- 1. Other programs or actions may include, but are not limited to:
 - a. evaluating policies relating to the granting of leaves, the transfer of employees to other work sites, and the standard of job performance and conduct; and
 - b. reassessing the role of the supervisor and the quality and sensitivity of supervision.

SECTION D. Equal Employment Opportunity Training

- 1. A proactive training program that may include, but is not limited to:
 - a. providing training of department heads/commissioners/appointing authorities, supervisors, managers and other employees with supervisory responsibilities as defined by federal, state, and local laws with specialized training that details the heightened obligation that supervisors/managers must ensure their workplace is free of sexual harassment, discrimination, and retaliation;
 - b. providing training to non-supervisory employees to maintain awareness of EEO protections under federal and state law, and their obligation not to violate this Policy.
 - c. providing training of department heads/commissioners/appointing authorities, supervisors, managers, and employees in diversity and inclusion in the workplace, and the understanding of the impact on fellow employees and on consumers served by the County.

DEPARTMENT OF PERSONNEL
OFFICE OF EMPLOYEE RIGHTS AND RELATIONS

50 Sanatorium Road, Building A
Pomona, New York 10970
Phone: (845) 364-3742
Fax: (845) 364-3738

Lori Gruebel
Commissioner of Personnel

APPENDIX IX

**COMPLAINT AND ACCOMMODATION
REQUEST FORMS**

Attached are the forms referenced in this Policy. Each form is a separate document. Before completing any form, please review the appropriate Appendix to familiarize yourself with the related Policy provisions. Understanding the related Policy will enable you to make a clear decision regarding the filing of your EEO complaint or your request for accommodation and will aid you in accurately completing the form(s).

LIST OF ATTACHED FORMS

OERR FORM 1	FORM FOR COMPLAINT OF DISCRIMINATION, SEXUAL HARASSMENT, AND/OR RETALIATION
OERR FORM 2	REQUEST FORM FOR REASONABLE ACCOMMODATION FOR QUALIFIED INDIVIDUALS WITH DISABILITIES (TO BE COMPLETED BY THE EMPLOYEE/APPLICANT)
OERR FORM 3	REQUEST FORM FOR REASONABLE ACCOMMODATION FOR QUALIFIED INDIVIDUALS WITH DISABILITIES (TO BE COMPLETED BY A MEDICAL PROVIDER)
OERR FORM 4	DETERMINATION FORM FOR REASONABLE ACCOMMODATION FOR QUALIFIED INDIVIDUALS WITH DISABILITIES (TO BE COMPLETED BY THE DEPARTMENT HEAD/APPOINTING AUTHORITY/COMMISSIONER OR ASSIGNED ADA/ACCOMMODATIONS OFFICER)
OERR FORM 5	INTERACTIVE PROCESS FOR REASONABLE ACCOMMODATIONS EMPLOYEE / SUPERVISOR MEETING SUMMARY
OERR FORM 6	REQUEST FORM FOR REASONABLE ACCOMMODATION BASED ON RELIGIOUS PRACTICE OR OBSERVANCE and VICTIMS OF DOMESTIC VIOLENCE
OERR FORM 7	REQUEST TO EXPRESS BREAST MILK FORM

DEPARTMENT OF PERSONNEL
OFFICE OF EMPLOYEE RIGHTS AND RELATIONS

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Fax: (845) 364-3738

Lori Gruebel
Commissioner of Personnel

OERR FORM 1

**FORM FOR COMPLAINT OF
DISCRIMINATION, SEXUAL HARASSMENT,
AND/OR RETALIATION**

DEPARTMENT OF PERSONNEL
OFFICE OF EMPLOYEE RIGHTS AND RELATIONS

50 Sanatorium Road, Building A
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Fax: (845) 364-3738

Lori Gruebel
Commissioner of Personnel

FORM FOR COMPLAINT OF DISCRIMINATION, SEXUAL HARASSMENT, RETALIATION

Name: _____

Home Address: _____

Personal Email: _____ ***REQUIRED**

Work Email: _____ ***REQUIRED**

***OERR uses personal and work emails for its communications. Please check your personal email for correspondence throughout the investigation/accommodation process.**

Please check your preferred method of communication:

Home Phone #: _____ Work Phone #: _____ ***REQUIRED**

Cell Phone #: _____ ***REQUIRED**

Job Title: _____ Name of Supervisor: _____

Your Department /Unit: _____ Supervisor's Job Title: _____

Are you a department head/commissioner/appointing authority/
supervisor/manager/County official filing this complaint as a
function of your duty to report allegations of EEO-related
discrimination, sexual harassment, or retaliation? Yes No

If yes, did you witness the conduct? Yes No

Do you have any statements/emails/documents/etc. related to the complaint? Yes No

If you have statements/emails/documents/etc., attach them with your complaint form.

Are you currently an employee of the County of Rockland? Yes No

If you are not an employee of the County of Rockland, please specify if you are:

Former Employee (If you are a former employee, what was your termination date? Or resignation,
retirement, or other separation date?) _____

Contractor/Vendor Job Applicant

Board/Commission or Committee Member

Other (Specify) _____

I have reviewed Rockland County Executive Order 2025-01 at the links below. Yes No

The latest version of the Executive Order is posted on the County's website (<https://rocklandcountyny.gov>) at:
Departments>Personnel>For County Employees>Office of Employee Rights and Relations.

For County Intranet users (internal for County employees with computers) the Executive Order is accessible at:
RCWEB>Policies and Procedures>Current County Executive Orders.

This complaint form is provided to you in the event you believe that you are the victim of, or have witnessed discrimination, sexual harassment, and/or retaliation. Please complete the form if it is applicable to your concern(s). If you require assistance or need an accommodation to complete this form, contact your supervisor, manager, department head/commissioner/appointing authority, or OERR for assistance.

On the following pages, please indicate the **TYPE OF COMPLAINT** and answer the related questions.

Then complete the **DESCRIPTION OF COMPLAINT** section. You may provide additional documentation upon submission of the complaint if necessary.

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Commissioner of Personnel

TYPE OF COMPLAINT

Please check which apply:

Discrimination	
Sexual Harassment	
Retaliation	

****“Discrimination” includes harassment based on a protected characteristic/class.*** Protected characteristics/classes include: age, alienage/citizenship, ethnicity/national origin, color/race (including, but not limited to, traits historically associated with race, such as hair texture and protective hairstyles), creed/religion, disability, familial or marital status, military status, predisposing genetic characteristics or carrier status, pregnancy, arrest/conviction history, status as a nursing employee, status as a victim of domestic violence, or other legally protected status. You must *check the applicable protected characteristic/class below.*

*****“Sexual harassment” includes harassment that is sexual in nature or is harassment based on gender/sex, gender identity or expression, or sexual orientation.***

“General harassment,” which is behavior that is perceived as “harassing” but is not based on a protected characteristic/class, is not covered by this Policy. However, if you have a general complaint about behavior in the workplace, OERR will speak with you to direct your complaint to the appropriate party/office. You are best served by speaking with your supervisor/manager or other appropriate contact in the department/appointing authority/agency in which you work.

If you are the victim of retaliation, please see the retaliation page for additional questions.

Are you filing this complaint because you have been the target of *Discrimination that is not Sexual Harassment*? If yes, you must select the basis for your complaint. Please check which category(ies) apply:

<input type="checkbox"/> Age	<input type="checkbox"/> Gender Identity/Expression	<input type="checkbox"/> Race/Color
<input type="checkbox"/> Alienage/Citizenship	<input type="checkbox"/> Gender/Sex	<input type="checkbox"/> Religion/Creed
<input type="checkbox"/> Arrest/Conviction History	<input type="checkbox"/> Genetic Information/Carrier Status	<input type="checkbox"/> Sexual Orientation
<input type="checkbox"/> Disability	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Veteran/Military Status
<input type="checkbox"/> Ethnicity/National Origin	<input type="checkbox"/> Nursing Employee	<input type="checkbox"/> Victim of Domestic Violence
<input type="checkbox"/> Familial Status	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Other

If you selected “Other” you must explain the characteristic/class as well as the basis for your complaint here in as much detail as possible. Only discrimination and harassment covered under this Policy will be adjudicated:

Are you filing this complaint because your department refused to provide a Reasonable Accommodation? Please check all that apply to your complaint:

<input type="checkbox"/> Disability	<input type="checkbox"/> Pregnancy-Related Condition	<input type="checkbox"/> Status as a Nursing Employee
<input type="checkbox"/> Religion	<input type="checkbox"/> Gender Identity or Expression	<input type="checkbox"/> Status as a Victim of Domestic Violence

DESCRIPTION OF COMPLAINT

Description of complaint (continued). Please attach additional page(s) if necessary. Please remember to include specific information (e.g. dates and locations)

Please identify all individuals who witnessed and/or who have personal knowledge of the alleged conduct. Please identify, if known, what each individual witnessed or what other knowledge they may have of the alleged conduct.

To your knowledge, are there any written statements or other documents that contain information supporting your complaint? **(If “yes,” please describe and attach documentation).**

Is there any physical evidence that supports your complaint? **(If “yes,” please describe and attach documentation).**

If you previously notified a County department head, supervisor, or other official about this matter or acts related to the complaint, please identify the individual(s) to whom you complained, the date you complained, and the resolution, if any, to your complaint.

Have you filed this complaint with any outside agency, tribunal, entity, organization, etc.?

Equal Employment Opportunity-Related Retaliation

If you believe you have been retaliated against, state who you believe is retaliating against you?

Are you filing this complaint because you have been the target of retaliation based upon a current or former Equal Employment Opportunity-related complaint that you filed?

Yes

No

Are you filing this complaint because you have been the target of retaliation based upon a current or former Equal Employment Opportunity-related investigation that you participated in as a witness?

Yes

No

Are you filing this complaint because you have been the target of retaliation because you previously raised concerns about a policy or practice that you considered to be discrimination, sexual harassment, or retaliation?

Yes

No

Are you filing this complaint because you have been the target of retaliation because you requested a Reasonable Accommodation for a disability, sincerely held religious observance, or practice related to your status as a nursing employee or victim of domestic violence?

Yes

No

Is there another reason why you feel that you are the target of Equal Employment Opportunity-related retaliation? (Please state below)

When did the alleged retaliation take place?

Month Day Year

Month Day Year

Is this Equal Employment Opportunity-related retaliation ongoing? Yes

No

CORRECTIVE ACTION REQUEST

What corrective action or remedy are you seeking as an outcome to this complaint?

ACKNOWLEDGMENTS

I certify that the above allegations are true to the best of my knowledge, information, and belief.

I am willing to participate in the investigation of this complaint and to the extent possible provide whatever evidence the County deems relevant.

Signature

Date

Please submit this form to:

**County of Rockland Department of Personnel
Office of Employee Rights and Relations
50 Sanatorium Road, Building A
Pomona, NY 10970
RCOERR@co.rockland.ny.us**

DEPARTMENT OF PERSONNEL

OFFICE OF EMPLOYEE RIGHTS AND RELATIONS

50 Sanatorium Road, Building A

Pomona, New York 10970

Phone: (845) 364-3742

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Lori Gruebel

Commissioner of Personnel

OERR FORMS 2 - 5

REQUEST FORMS FOR REASONABLE ACCOMMODATION FOR QUALIFIED INDIVIDUALS WITH DISABILITIES (INCLUDING PREGNANCY RELATED CONDITIONS)

OERR FORM 2

REQUEST FORM FOR REASONABLE ACCOMMODATION FOR QUALIFIED INDIVIDUALS WITH DISABILITIES (TO BE COMPLETED BY THE EMPLOYEE/APPLICANT)

OERR FORM 3

REQUEST FORM FOR REASONABLE ACCOMMODATION FOR QUALIFIED INDIVIDUALS WITH DISABILITIES (TO BE COMPLETED BY A MEDICAL PROVIDER)

OERR FORM 4

DETERMINATION FORM FOR REASONABLE ACCOMMODATION FOR QUALIFIED INDIVIDUALS WITH DISABILITIES (TO BE COMPLETED BY THE DEPARTMENT HEAD/APPOINTING AUTHORITY/COMMISSIONER OR ASSIGNED ADA/ACCOMMODATIONS OFFICER)

OERR FORM 5

INTERACTIVE PROCESS FOR REASONABLE ACCOMMODATIONS EMPLOYEE / SUPERVISOR MEETING SUMMARY

DEPARTMENT OF PERSONNEL
OFFICE OF EMPLOYEE RIGHTS AND RELATIONS

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Commissioner of Personnel

OERR FORM 2

REQUEST FORM FOR REASONABLE ACCOMMODATION
FOR QUALIFIED INDIVIDUALS WITH DISABILITIES
(TO BE COMPLETED BY THE EMPLOYEE/APPLICANT)

PART 1: CONTACT INFORMATION

Name: _____ Department: _____ Unit: _____

Position Title: _____ Supervisor: _____

Full-Time Part-Time Permanent Temporary

Work Phone: _____ Home/Cell Phone: _____

Email: _____

PART 2: NATURE OF DISABILITY AND THE REQUESTED ACCOMMODATION(S)

Nature of Disability:

Is the disability temporary or chronic? _____

If the disability is temporary, what is the end date? (As Per Medical Documentation)

Essential Job Function(s) for which the accommodation(s) is/are being requested: (Please read the job specifications for your position to determine the job function)

What is/are the accommodation(s) you are requesting?

I understand that my medical provider must provide documentation to support this reasonable accommodation request. I hereby attest that the above information is true and correct to the best of my knowledge and agree to allow this information to be reviewed by the necessary parties to enable my accommodation.

EMPLOYEE SIGNATURE*: _____ DATE SUBMITTED: _____

SUPERVISOR SIGNATURE: _____ DATE RECEIVED: _____

DATE FORWARDED: _____

DEPARTMENT HEAD/ADA/ACCOMMODATIONS OFFICER SIGNATURE:

DATE FORWARDED: _____

**By submitting this form, you acknowledge your understanding that the County is not required to make any specific accommodation and may provide an alternative, effective, reasonable accommodation. You also understand that the County is not required to make any accommodation that would impose an undue hardship on the County, removes an essential function of the job, or is not substantiated by medical documentation.

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OERR FORM 3

MEDICAL PROVIDER FORM IN RESPONSE TO AN ACCOMMODATION REQUEST (TO BE COMPLETED BY THE MEDICAL PROVIDER AND PROVIDED TO THE EMPLOYEE)

Employee Name: _____

PART 1: Questions to Determine the Employee's Specific Impairment(s)

To qualify for a Reasonable Accommodation under the Americans with Disabilities Act, an employee must have either a disability that results in an impairment that substantially limits one or more major life activities, or a record of such impairment. The Medical Provider's answers to the following questions may help determine whether the employee has such an impairment or record of this impairment.

1. Does the employee have a physical or mental impairment? Yes No

2. If yes, what is the impairment? _____

3. Is the impairment long-term or permanent? Yes No

4. If the impairment is not permanent, how long will it likely last? _____

5. Does the impairment substantially limit a major life activity? Yes No

6. If yes, what major life activity(s) is/are affected?

<input type="checkbox"/> Bending	<input type="checkbox"/> Interactions With Others	<input type="checkbox"/> Sleeping
<input type="checkbox"/> Breathing	<input type="checkbox"/> Learning	<input type="checkbox"/> Speaking
<input type="checkbox"/> Caring for Oneself	<input type="checkbox"/> Lifting	<input type="checkbox"/> Standing
<input type="checkbox"/> Communicating	<input type="checkbox"/> Performing Manual Tasks	<input type="checkbox"/> Thinking
<input type="checkbox"/> Concentrating	<input type="checkbox"/> Reading	<input type="checkbox"/> Walking
<input type="checkbox"/> Eating	<input type="checkbox"/> Seeing	<input type="checkbox"/> Working
<input type="checkbox"/> Hearing	<input type="checkbox"/> Sitting	<input type="checkbox"/> Operation of a Major Bodily Function

7. Does the impairment substantially limit the operation of a major bodily function?

Yes No

8. If yes, what bodily function(s) is/are affected?

<input type="checkbox"/> Bladder	<input type="checkbox"/> Circulatory	<input type="checkbox"/> Immune System	<input type="checkbox"/> Reproductive Functions
<input type="checkbox"/> Brain	<input type="checkbox"/> Digestive	<input type="checkbox"/> Neurological	<input type="checkbox"/> Respiratory
<input type="checkbox"/> Bowell	<input type="checkbox"/> Endocrine	<input type="checkbox"/> Normal Cell growth	<input type="checkbox"/> Other

If you selected "Other," please specify:

PART 2: Questions To Help Determine Whether An Accommodation Is Needed:

An employee with a disability is entitled to an accommodation only when the accommodation is needed because of the disability. Your answers to the following questions may help determine whether the requested accommodation is needed because of the disability:

1. What job function(s) is the employee having trouble performing because of the limitation(s)?

2. How does the employee’s limitation(s) interfere with their ability to perform those job function(s)?

PART 3: Questions to Help Determine Effective Accommodation Options

If an employee has a disability and needs an accommodation because of the disability, the employer must provide a Reasonable Accommodation unless the accommodation poses an undue hardship to the County. Your answers to the following questions may help determine effective accommodations:

1. Do you have any suggestions regarding possible accommodations?

2. How would your suggestions assist the employee in performing essential job functions?

3. Other comments and/or information you think may be relevant to this request:

4. Is this request time sensitive? YES NO

If yes, explain your answer:

PART 4: Medical Provider Information

Medical Provider Name (Print) _____

Name of Practice _____

Address _____

Telephone _____ Email _____

Medical Provider's Signature _____ Date _____



**DEPARTMENT OF PERSONNEL
OFFICE OF EMPLOYEE RIGHTS AND RELATIONS**

50 Sanatorium Road, Building A
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Lori Gruebel
Commissioner of Personnel

OERR FORM 4

**DETERMINATION FORM FOR REASONABLE ACCOMMODATION
FOR QUALIFIED INDIVIDUALS WITH DISABILITIES**

(TO BE COMPLETED BY THE DEPARTMENT HEAD OR ASSIGNED ADA OFFICER)

The following form is to be completed by the department head or assigned ADA/Accommodations Officer. This determination can be made only after consultation with the Office of Employee Rights and Relations. This determination may be revisited if either the employee's or department's needs change.

The employee has the right to appeal this determination in writing to the Office of the County Executive within fifteen (15) calendar days from the determination date.

Employee Name _____ Department _____

Job Title _____ Unit (if applicable) _____

Employee Request Form Submission Date _____

Accommodation Employee Requested:

The employee's Request for Reasonable Accommodation(s) has been:
Check which applies

APPROVED	DENIED	ALTERNATIVE ACCOMODATION PROPOSED
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WAS ALTERNATIVE ACCOMMODATION ACCEPTED BY EMPLOYEE?

YES NO

Date _____

If APPROVED, or if an alternative accommodation is approved, the following Reasonable Accommodation will be provided (If appropriate, please attach additional documentation):

If DENIED, please provide the basis for the determination:

If DENIED, does the department head have a suggestion for an alternative reasonable accommodation?

Department Head or ADA/Accommodations Officer

Signature _____ Determination Date _____

If the employee is not satisfied, then they have the right to appeal in writing to the Office of the County Executive within fifteen (15) calendar days of the date of determination.

DEPARTMENT OF PERSONNEL
OFFICE OF EMPLOYEE RIGHTS AND RELATIONS

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Commissioner of Personnel

OERR FORM 5
INTERACTIVE PROCESS WORKSHEET

Employee: _____ **Employee Signature:** _____

Supervisor: _____ **Supervisor Signature:** _____

Date: _____

EMPLOYEE'S LIMITATION OR RESTRICTION	EMPLOYEE'S JOB FUNCTION THAT THE LIMITATION OR RESTRICTION IMPACTS	POSSIBLE ACCOMMODATION(S)

**DEPARTMENT OF PERSONNEL
OFFICE OF EMPLOYEE RIGHTS AND RELATIONS**

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Commissioner of Personnel

OERR FORM 6

**REQUEST FORM
FOR REASONABLE ACCOMMODATION
BASED ON:
RELIGIOUS PRACTICE OR OBSERVANCE and
VICTIMS OF DOMESTIC VIOLENCE**

DEPARTMENT OF PERSONNEL
OFFICE OF EMPLOYEE RIGHTS AND RELATIONS

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Commissioner of Personnel

**REQUEST FORM FOR REASONABLE ACCOMMODATION BASED ON RELIGIOUS PRACTICE OR
OBSERVANCE OR VICTIM OF DOMESTIC VIOLENCE**

All employees and applicants should complete the applicable items in this section.

1. Name of employee or applicant:

2. Home address:

3. Home phone #: _____ Work phone #: _____

Cell phone # _____

4. Employee date of hire: _____

5. Department/Unit: _____

6. Position in which you work/applied: _____

7. Explanation of accommodation requested:

(Applicants Only)

8. Date of exam/interview for which you applied: _____

9. Which part of the employment process are you requesting a reasonable accommodation for?
[e.g. application, examination, interview, other **(please identify)**]:

Employee/Applicant signature: _____ Date: _____

DETERMINATION (to be completed by department head or designee)

The employee's Request for Reasonable Accommodation(s) has been:

APPROVED **DENIED***

If APPROVED, or if an alternative accommodation is approved, the following Reasonable Accommodation will be provided (If appropriate, please attach additional documentation):

If DENIED, please provide the basis for the determination:

If DENIED, does the department head or designee have a suggestion for an alternative reasonable accommodation?

Department Head/Designee/Accommodations Officer Signature: _____

Date: _____

*The Department Head/Designee/Accommodations Officer must consult with OERR prior to any accommodation denials.

This completed form should be submitted by the Department Head/Designee/ Accommodations Officer to OERR via email at RCOERR@co.rockland.ny.us

DEPARTMENT OF PERSONNEL
OFFICE OF EMPLOYEE RIGHTS AND RELATIONS

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Commissioner of Personnel

OERR FORM 7

**REQUEST TO EXPRESS BREAST MILK
FORM**



DEPARTMENT OF PERSONNEL
OFFICE OF EMPLOYEE RIGHTS AND RELATIONS

50 Sanatorium Road, Building A
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Commissioner of Personnel

OERR FORM

REQUEST TO EXPRESS BREAST MILK FORM

REQUESTOR INFORMATION

Employee Name: _____ Current Employee
Employee ID: _____ Other _____
Job Title: _____
Union: _____
Department: _____
Office Telephone Number: _____ Mobile Telephone Number: _____
County Email: _____ Personal Email: _____

(continued on next page)

Accommodation(s) Needed:

All requests, including remote requests, must include an anticipated schedule of reasonable breaks necessary to express breast milk during the workday.

Do you need a lactation space? Yes No

If you require a lactation space:

I will be using one of the eight designated lactation rooms in the following locations:

- Robert L. Yeager Health Complex in Pomona (please specify below):
 - Building A
 - Building C
 - Building D
 - Building K
 - Building L
- Rockland County Court House
- Allison-Paris/Rockland County Office Building in New City
- Rockland Community College (SUNY RCC) in Suffern, Student Union Building, room 3100.

I am seeking an alternate lactation location

Proposed Schedule for Lactation Breaks: [If breaks will vary, please attach a separate break schedule and note below.]

	Start Time	End Time	Explanation for time greater than 30 min.
Break 1			
Break 2			
Break 3			

(continued on next page)

Anticipated First Date of Accommodation: _____

Any Other Information Related to Accommodation Request:

Date of Request:	Employee's Signature:
-------------------------	------------------------------

Department Head/Accommodations Officer (and acknowledgement of the policy)

Department Head/Accommodations Officer's Printed Name _____

Department Head/Accommodations Officer's Signature: _____

Department Head/Accommodations Officer's Email _____ **Telephone Number:** _____

Date Request Received: _____ **Date Request Closed:** _____

If any modifications were made to the requested accommodation, please note them here:
