



COUNTY OF ROCKLAND
OFFICE OF THE COUNTY EXECUTIVE

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C. SCOTT VANDERHOEF
County Executive

June 14, 2011

TO: All Department Heads and Commissioners

RE: **EXECUTIVE ORDER NO. 2011-03** Anti-Discrimination and Equal
Employment Opportunity

The attached Executive Order amends the County's EEO statement, plan and procedures. The current EEO Program (Executive Order No. 04-04) was last revised in 2004. Since that time several changes in the law have occurred which have necessitated the Executive Order's revision. We have extensively revised the text and forms of the Executive Order with the goal of incorporating legal changes while making the Executive Order easier to read and understand.

Such changes include:

- 1) Setting forth new state and/or federal rights with respect to:
 - a. status as a victim of domestic violence;
 - b. status as a nursing mother;
 - c. service animals in the work place for employees with qualified disabilities via a newly created Service Animal Policy Statement; and
 - d. pre-disposing genetic characteristics.
- 2) Incorporating statutory and regulatory changes with respect to the Americans with Disabilities Act (ADA);
- 3) Clarifying the County Executive's authority to delegate the general day to day oversight of the Office of Employee Rights (including the Director thereof) while retaining the ultimate authority and responsibility for all matters arising from the statutorily required administration of this Executive Order;
- 4) Outlining the duty of employees (managers and subordinates), and certain non-employees (such as volunteers) to report and/or take action with respect to potential violations of this Executive Order;
- 5) Clarifying the definitions of terms used in the Executive Order;
- 6) Revising timeframes applicable to investigations, reports, determinations and appeals; and
- 7) Revising forms.


June 14, 2011

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Department Heads will be trained with respect to this Executive Order at the Cabinet Meeting scheduled for August 2, 2011. Please provide a copy of this Executive Order to all of your employees and certain non-employees (board, counsel or committee members; volunteers, contractors, vendors, suppliers and other categories of individuals controlled to some extent but not employed by the County of Rockland) as required by this Executive Order. Training with respect to this Executive Order will be coordinated through the Office of Employee Rights, Relations and Training.

I remind you that all County employees and certain non-employees (board, counsel or committee members; volunteers, contractors, vendors, suppliers and other categories of individuals controlled to some extent but not employed by the County of Rockland) are bound by this Executive Order.

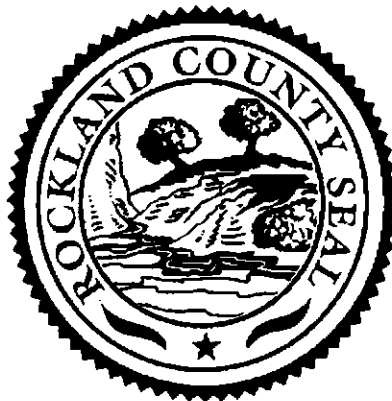
Thank you.


C. Scott Vanderhoef
COUNTY EXECUTIVE

Attachment(s)

cc: All Rockland County Legislators

COUNTY OF ROCKLAND
ANTI-DISCRIMINATION
AND
EQUAL EMPLOYMENT
OPPORTUNITY
EXECUTIVE ORDER
NO. 2011-03



C. SCOTT VANDERHOEF
County Executive

Rev. 6/11
Dept. of Law
JJF/VDWJ/vma

**COUNTY OF ROCKLAND
ANTI-DISCRIMINATION
AND
EQUAL EMPLOYMENT OPPORTUNITY EXECUTIVE ORDER 2011-03**

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EXECUTIVE ORDER 2011-03

This Executive Order supersedes and reaffirms the County of Rockland's Anti-Discrimination Policy and Equal Employment Opportunity Statement, Plan & Procedure (Executive Order No. 2004-4 superceded Executive Order No. 1999-7).

I. STATEMENT OF EXECUTIVE ORDER ("EXECUTIVE ORDER")

1. The County of Rockland is an equal opportunity employer committed to compliance with federal, state and local laws prohibiting employment discrimination. The County of Rockland:
 - a. 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, hiring, work assignments, compensation and benefits, performance evaluations, advancement, promotion, training opportunities, medical examination, leave request and approval, layoff/recall, transfers, discipline, discharge and working conditions, without discrimination on the basis of an individuals age, alienage, color, citizenship, creed, gender/sex, disability, marital status, national origin, prior non-job related record of conviction, race, religion, sexual orientation, military status, predisposing genetic characteristics, status as a victim of domestic violence, status as a nursing mother, or other legally protected status;
 - b. Recognizes that any act of discrimination, harassment or retaliation undermines the integrity of the employment relationship and is detrimental to a positive, productive work environment;
 - c. Provides qualified individuals with disabilities an equal opportunity to participate in and receive benefits; services; programs and activities. Reasonable accommodations will be provided as necessary, including but not limited to accommodations during the pre-employment and examination processes and throughout the employment relationship;
 - d. Provides reasonable accommodation to qualified individuals for religious practices and observances;
 - e. Provides reasonable accommodation to qualified individuals with status as victims of domestic violence; and
 - f. Provides reasonable accommodation to qualified individuals who are nursing mothers.
2. This Executive Order applies to all County officers, department heads, managers, supervisors, applicants, board, council or committee members, contractors, vendors, volunteers, applicants and other categories of individuals employed by the County of Rockland (See **County Associate, II Section B.1**). This Executive Order applies to all County Associates and may apply to non-County Associates.
3. An individual found to have engaged in discriminatory conduct or practices, harassment, retaliation or other inappropriate behavior prohibited by this Executive Order, the failure of a manager or supervisor to report allegations, act appropriately upon them, or discharge their duty to discuss this Executive Order and discourage violations will be subject to disciplinary action in accordance with the provisions of a negotiated labor agreement or state law as may be appropriate. Based upon the seriousness of the offense, discipline may include a written reprimand, suspension without pay, demotion, transfer, fine, termination and any other measure(s) calculated to eliminate illegal or inappropriate behavior. In addition to implementing such disciplinary action, the County shall take such steps as may be necessary to address the impact that any unlawful discrimination has had or continues to have upon the complainant.

4. The County Executive has overall authority and responsibility for the coordination, implementation and enforcement of this Executive Order. The County Executive delegates to the Director of Employee Rights, Relations and Training ("Office of Employee Rights") the responsibility for coordinating, implementing and enforcing this Executive Order, and for ensuring compliance with all federal, state and local laws and/or regulations, pertaining to equal employment opportunity, whether expressed by legislative act or executive order.
5. When evaluating whether or not there is a violation of this Executive Order, the Director of the Office Employee Rights shall apply the objective standard of a "reasonable person" under the circumstances.
6. The County Executive reserves the right to interpret, change, modify, or eliminate any provision contained within this Executive Order. In addition, this Executive Order is subject to change due to an intervening or superceding change in federal, state or local law and/or regulation with regard to equal employment opportunity.

II. PROTECTION AGAINST DISCRIMINATION AND HARASSMENT

Section A. Protections

1. The County of Rockland:
 - a. Bases employment decisions upon merit, fitness and equality of opportunity;
 - b. Prohibits any act of unlawful discrimination, harassment or retaliation in the workplace; and
 - c. Expects all **County Associates** to treat each other and our consumers with courtesy, dignity and respect; and not engage in conduct, which is prohibited by this Executive Order or is otherwise unlawful.

Section B. Definitions

1. **County Associate** – Any officer, department head, manager, supervisor or other employees of the County. It also includes non-employees, such as applicants; board, council or committee members; volunteers; contractors; vendors; suppliers and other categories of individuals controlled to some extent but not employed by the County of Rockland.
2. **Protected Class** – A group of individuals whose actual or perceived membership in a certain class is protected from discrimination by federal, state or local law and/or regulation: age, alienage, color, citizenship, creed, gender/sex, disability, marital status, national origin, prior non-job related record of conviction, race, religion, sexual orientation, military status, predisposing genetic characteristics, status as a victim of domestic violence, status as a nursing mother, or other legally protected status.
3. **Pre-Disposing Genetic Characteristics** – 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.

4. **Discrimination** – The unequal treatment of persons based upon an individual’s actual or perceived membership in a protected class.

Prohibited types of discrimination include, but are not limited to:

- i. Discrimination in hiring, testing, work assignments, working conditions, compensation and benefits, evaluation, promotions, training, transfers, discipline, termination, and any other term, condition or privilege of employment;
- ii. Policies or programs that have a disproportionate impact on a protected class, unless the policy or program is justified by a legitimate business interest;
- iii. Failure to provide a reasonable accommodation for an employee (applicant, or other qualified individual)
 1. with a disability who is able to perform all of the essential job functions of his/her position on a full time basis, including those individuals who require use of a service animal;
 2. for religious observation or practice;
 3. or for an employee with status as either:
 - a. a victim of domestic violence; or
 - b. a nursing mother.

5. **Harassment** – An action or actions directed at another individual based upon either their actual or perceived membership in a protected class, which causes emotional distress in such an individual and serves no legitimate purpose. It includes but is not limited to words, gestures, and/or actions including intimidation, ridicule or insults that based upon all of the circumstances offends an individual of reasonable sensibilities.

6. **Retaliation** – The threat or act of retaliating or harassing an individual who participates in good faith in a “protected activity”, including but not limited to filing a discrimination, harassment or retaliation complaint; requesting a reasonable accommodation; participating in or otherwise cooperating in the investigation of discrimination, harassment or retaliation complaint; encouraging or assisting another individual to pursue their rights under law or this Executive Order; and opposing a policy or practice believed to constitute unlawful discrimination, harassment or retaliation.

7. **Complainant** – An individual who makes an allegation or files a complaint of discrimination, harassment or retaliation.

8. **Respondent** – An individual against whom another makes an allegation or complaint of discrimination, harassment or retaliation.

9. **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; or any worksite during times when an employee or other County Associate is working for or representing the County.

Section C. Sexual Harassment

1. Sexual harassment consists of: unwelcome sexual advances; requests for sexual favors; sexual demands or other verbal, physical or verbal conduct of a sexual nature, when:

- a. 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;
 - b. the conduct is so severe and/or pervasive so as to have the purpose or effect of unreasonably interfering with the affected person's work performance or otherwise creating an intimidating, hostile or offensive work environment.
2. Sexual harassment can occur between individuals of the same or different sexes.
 3. Sexual harassment can involve situations in which a third party is offended by the interaction, conduct or communications between others.
 4. Sexual harassment manifests itself in several ways including, but not limited to:
 - a. **Verbal Harassment** – humiliating or intimidating verbal language related to a person's actual or perceived sex, including sexual innuendos; sexual advances; slurs; profanity; suggestive, derogatory, lewd, demeaning or insulting comments or sounds or epithets; lewd whistling or other inappropriate noises; jokes of a sexual nature; sexual propositions or threats; sexual advances that are unwelcome or any demand of sexual favors;
 - b. **Non-verbal Harassment** –humiliating or intimidating writings or documents showing or displaying pornographic or sexually suggestive or explicit objects or pictures; graphic commentaries; leering or obscene gestures; demeaning, insulting, intimidating or sexually suggestive written, recorded or electronically transmitted messages; physical violations (without touching) of an individual's personal space;
 - c. **Physical Harassment** – any physical contact and/or gesture, which is unwelcome including sexual flirtations, touching, petting, pinching, or brushing up against an individual's body.
 5. Sexual harassment may be overt or subtle. However, behavior or occasional compliments of a socially acceptable nature, or common slights and annoyances in isolation are not indicative of sexual harassment.
 6. The County's prohibition of inappropriate sexual conduct is more stringent than what is prohibited by federal, state 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 or state law is expressly prohibited by this Executive Order.
 7. Although not required, a complaint may be strengthened if the respondent persisted with potentially harassing behavior after being advised that the conduct was unwelcome.
 8. Sexual Favoritism. When employment opportunities, privileges or benefits are granted because of an individual's consensual submission to the sexual advances or requests for sexual favors of another individual, said individuals may be held to have sexually discriminated against others who are or were qualified for but were denied said employment opportunities, privileges or benefits of employment. Isolated incidents of minor preferential treatment based upon consensual relationships, may also subject the offending employee to discipline, as well as other forms of misconduct, but do not constitute sexual harassment. However, more significant and pervasive favoritism constitutes prohibited conduct under this Executive Order where there is the creation or potential for the creation of an intimidating hostile or offensive work environment.

Section D. Other Forms of Harassment

1. Harassment consists of unwelcome words, gestures, and/or actions:
 - a. which tend to reasonably offend an individual based upon the individual's actual or perceived membership in a protected class; and
 - b. which is so severe and/or pervasive so as to have the purpose or effect of unreasonably interfering with an affected individual's work performance or creating an intimidating, hostile or offensive work environment.
2. 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, demeaning or perceived insulting comments, or other offensive verbal language related to an individual's protected class.
3. Harassment can occur between individuals of the same protected classes or different protected classes.
4. Harassment can involve situations in which a third party is offended by the interaction, conduct or communications between others.
5. Harassment may be overt or subtle. However, behavior or occasional compliments of a socially acceptable nature, or common slights and annoyances in isolation are not indicative of harassment.
6. The County's prohibition of harassment based upon a person's membership in a protected class is more stringent than what is prohibited by federal or state law and/or regulation. For example, harassment that may not be severe and/or pervasive enough to create a hostile work environment under federal or state law is expressly prohibited by this Executive Order.

III. PROTECTION AGAINST RETALIATION

1. The County of Rockland expressly prohibits the retaliation or threatened retaliation against, or harassment of any individual who, participates in good faith in a "protected activity" in the workplace.
 1. Examples of protected activities include but are not limited to:
 - a. Filing a discrimination, harassment or retaliation complaint;
 - b. Participating in or otherwise cooperating in the investigation of a discrimination, harassment and/or retaliation complaint;
 - c. Encouraging or assisting another individual to pursue his/her rights under law or this Executive Order;
 - d. Opposing a policy or practice believed to constitute discrimination, harassment or retaliation; and/or
 - e. Requesting a reasonable accommodation.
 2. Retaliation is defined as an adverse action, threat or action taken because an employee or other County Associate has engaged in a protected activity, which affects a term, right, condition or privilege of employment which would deter that individual from pursuing their rights under law or this Executive Order.

Examples of such adverse action include but are not limited to:

- a. refusal to hire, denial of increment, promotion or termination; or
 - b. assignment of less desirable shifts, duties, or worksites; denial of training opportunities, increased supervision or surveillance; or
 - c. unjustified negative evaluations or references, threats, intimidation, coercion or harassment.
3. Examples of adverse action, which is not considered to be retaliation, include petty slights, justified negative evaluations or references and progressive discipline based upon just cause.
 4. County Associates are not excused from continuing to perform their job duties or follow workplace rules because they have reported or filed a complaint or assisted in an investigation.
 5. The County of Rockland views retaliation or the threat of retaliation as a serious offense that impedes the County's commitment to a workplace free of discrimination, harassment and retaliation.

Any employee who engages in or threatens retaliation will be subject to formal discipline in accordance with the provisions of a negotiated labor agreement or state law as may be appropriate. In such proceedings the County will seek demotion, resignation or termination of the offending employee as may be appropriate.

With respect to contractors, vendors, volunteers, other non-employees and County Associates who engage in or threaten retaliation, the County will take such action as may be appropriate under the contract or applicable law to appropriately punish and remediate the retaliation. Failure of a contractor or vendor to cooperate with the County with respect to the obligations set forth in this Executive Order may result in cancellation of a contract, if applicable.

IV. COUNTY ASSOCIATES' DUTY TO REPORT AND MANAGERS' DUTY TO REPORT AND/OR TAKE ACTION

Section A. County Associates Duty to Report

1. All officers, department heads, managers, supervisors and County Associates must comply with this Executive Order and take appropriate measures to insure that discrimination, harassment or retaliation does not occur. When discrimination, harassment or retaliation is suspected, employees and non-employees must immediately report them to an officer, manager, supervisor, department head, or the Office of Employee Rights.

Section B. Managers Duty to Report

1. Department heads, managers and supervisory personnel must take immediate and, if authorized, appropriate interim corrective action when allegations of discrimination, harassment or retaliation come to their attention in order to ensure compliance with this Executive Order. If a department head, manager or supervisor is not authorized to take corrective action, the matter should be referred to an individual having such authority. In addition, each department head, manager or supervisor has a special duty to maintain the workplace free of discrimination, harassment or retaliation. This duty includes discussing the policy with subordinates and other employees or non-employees and assuring

them that they are not to tolerate insulting, degrading or exploitive discrimination, harassment or retaliation in the workplace.

2. Once a department head, manager or supervisor becomes aware of an allegation of discrimination or a violation of this Executive Order, the department head, manager or supervisor should insure that any required interim corrective actions have been taken and must report the allegations and interim correction to the Office of Employee Rights as soon as possible.
3. The department head, manager or supervisor should also, where appropriate obtain witness statements related to an allegation or complaint concerning an incident as soon as possible and forward any statements to the Office of Employee Rights. However, no department head, manager or supervisor is authorized to investigate alleged violations of this Executive Order beyond the compiling of witness statements. Employees should be advised that they do not have a right to refuse to provide their department head, manager or 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.
4. Department heads, supervisors and managers must participate, facilitate and cooperate with all investigations conducted by the Office of Employee Rights. Any department head, supervisor or manager who fails to discharge these duties may be subject to formal disciplinary action.

V. COMPLAINT AND INVESTIGATION PROCESS

County Associates who believe that they have been or are being discriminated, harassed, or retaliated against; have not been or are not being given reasonable accommodations; or who wish to inquire about an issue or matter relating to this Executive Order should contact the Office of Employee Rights, Relations and Training for consultation, assistance, information and/or referral.

The process for handling complaints and investigations that are handled by the Office of Employee Rights is articulated in Sections A through D.

Section A. Initial Meeting with the Office of Employee Rights, Relations and Training

1. Employees, applicants and County Associates have the right to meet privately with a representative from the Office of Employee Rights at their convenience. Should an employee wish to speak with a representative during their work hours they should request and obtain the permission of their department head, manager or supervisor before leaving their posts. In making such a request employees are not required to disclose the purpose of the meeting. Department heads, managers and supervisors cannot deny an employee's reasonable request to meet with representatives of the Office of Employee Rights 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.
2. At the employee's request, arrangements can be made with the Office of Employee Rights to hold the meeting before or after work hours, or during the employee's lunch period.
3. During the initial meeting, a representative from the Office of Employee Rights will review the County's EEO complaint and investigation process; advise the employee of their

rights; and discuss whether the issue raised is appropriate for an EEO investigation or an alternative resolution approach.

4. Matters not falling within this Executive Order will be referred to other internal agencies, e.g., respective department head, department's personnel office, Rockland County Department of Personnel, appropriate union, or other appropriate outside agencies.
5. Complaints filed under this Executive Order should be submitted in writing. However, the Office of Employee Rights recognizes that it may be necessary to investigate an allegation of discrimination, harassment or retaliation even if the individual who has been victimized or is directly impacted by the conduct or the individual reporting the conduct chooses not to file a complaint or refuses to otherwise participate or cooperate in the investigation process.

Section B. Confidentiality

1. Pursuant to state and federal civil rights laws and regulations, confidentiality of human rights matters such as complaints under this Executive Order are on a "needs to know" basis. "Needs to know" means that information obtained from an individual who seeks assistance or provides information as a witness will not be disclosed to other personnel except as necessary to investigate and/or resolve the complaint or inquiry. All human rights matters will be handled under the supervision of the Director of the Office of Employee Rights in consultation with the Department of Law, where appropriate.

Section C. Representation

1. Complainants may bring a support person of their choice to attend the part of the initial meeting where the Office of Employee Rights representative reviews the Executive Order, complaint and investigation process and rights. The support person will be asked to leave the meeting room before any discussion of substantive allegations of discrimination, harassment or retaliation. To the extent practicable, the complainant should notify the Office of Employee Rights in advance if they intend to have a support person present during the initial meeting.
2. 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. That employee and his/her union will be given notice of any meeting by the Office of Employee Rights and shall be afforded the right to representation consistent with provisions of a negotiated labor agreement or state law as applicable.
3. This Executive Order is not intended to create any right of representation. Rights to representation will be honored where the same are consistent with or required by statute or negotiated labor agreement.

Section D. Procedure

1. The Complaint

- a. An individual may file a written complaint of discrimination, harassment or retaliation at any time with any department head, supervisor, manager or the Office of Employee Rights (**See Complaint Form B in Appendix II**).

- b. The Office of Employee Rights shall complete a complaint form when the Office of Employee Rights initiates an investigation.
- c. Where an individual choose not to file a complaint The Office of Employee Rights reserves the right to determine that another form of communication (e.g., telephone call, letter) should be handled as a formal complaint.
- d. The Office of Employee Rights will provide reasonable accommodations to qualified individuals with disabilities throughout the entire equal employment opportunity process.

2. The Investigation

- a. The Office of Employee Rights will investigate a complaint upon receipt or as soon as practicable.
- b. All investigations will be conducted in a full, fair and impartial manner.
- c. The Office of Employee Rights will communicate with a complainant throughout the process to the extent that such communication does not impede the investigation or resolution process, in order to keep the complainant informed of the progress of the investigation.
- d. The Office of Employee Rights representative will meet with the person named as a respondent to inform and discuss the allegations with him/her and to formally question him/her regarding the allegations. Written notice of the meeting together with any notice of rights to representation will be given to the respondent.
- e. The respondent shall receive a written copy of the complaint . The respondent shall have the opportunity to respond to the complaint in writing within ten (10) business days. The respondent will also be afforded a reasonable opportunity to provide the names of any witnesses or other relevant information, which he/she would like to be considered during the investigation.
- f. An investigation normally involves conferring with the parties involved and witnesses, if any; as well as examination of the facts as gathered and a review of the conduct including the context in which the incident or incidents occurred.
- g. 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 department head, supervisor or manager where the witness is reluctant to participate);
 - ii. Review of personnel records or other documentary evidence;
 - iii. Review of administrative policies, processes, etc; and
 - iv. Investigation of other allegations or violations that may be discovered during the course of investigating the original complaint.
- h. The Office of Employee Rights will keep the County Executive's Office and the Department of Law informed of the progress of all investigations.
- i. Upon the consent of the complainant, at any point during the complaint/investigation process an attempt may be made to resolve the complaint through means other than an investigation. If the parties agree to a resolution of the allegation or complaint and the proposed action plan has received the necessary approvals, the Office of Employee Rights shall prepare a written Notice of Resolution-Status Resolved confirming the resolution of the allegation or complaint to the satisfaction of the parties and the matter is deemed closed. All parties will sign the Notice of Resolution-Status Resolved. NOTE: The Notice of Resolution does not preclude a department head from taking further action(s) such as additional training or other counseling, to aid in resolving the complaint.

3. Findings and Recommendations

- a. The Office of Employee Rights will endeavor to issue its findings of fact and recommendations within ninety (90) calendar days from the receipt of the complaint.
- b. If it is more likely than not that the respondent has violated the Executive Order as related to the allegations, the Office of Employee Rights, in consultation with the Department of Law, shall advise the department head, complainant, and the respondent in writing. Based upon the circumstances of the case, the conclusion may include recommendations to the department head that actions should be taken to: (a) immediately stop the discrimination, harassment or retaliation; (b) to the extent practicable, address the impact the unlawful conduct is having or has had on the complainant; and (c) prevent recurrence of the conduct. The recommended actions may include, but not be limited to:
 - i. Conciliation;
 - ii. Reasonable accommodation;
 - iii. Conflict resolution;
 - iv. Proactive educational remedy;
 - v. Administrative Executive Order changes; and/or
 - vi. Informal or formal disciplinary action.
- c. Neither the complainant nor the respondent will be advised by the Office of Employee Rights of any recommendations made to the department head. The department head should meet with both the complainant and respondent to advise and discuss the final resolution of the complaint.
- d. If it is more likely than not that the respondent has not violated the Executive Order as related to the allegations, the Office of Employee Rights, in consultation with the Department of Law, shall inform the department head, complainant and respondent in writing. Based upon the circumstances of the case, the conclusion may include recommended actions intended to prevent incidents of potential discrimination, harassment or retaliation from occurring in the future. These recommended actions may include, but not be limited to, training, coaching, and/or remedial action.
- e. The department head shall determine, after receiving the recommendations from the Office of Employee Rights, what, if any, action is taken.
- f. The Office of Employee Rights will inform the County Executive's Office of its recommendations and the department head will inform the County Executive's Office of any actions taken with respect to the recommendations.

4. Withdrawing A Complaint

- a. The complainant may withdraw a complaint at any time, in writing.
- b. The Office of Employee Rights in consultation with the Department of Law 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 to take immediate corrective action to prevent or eliminate an unlawful or inappropriate situation.

5. False Accusations or Information

- a. The County of Rockland recognizes that false accusations of discrimination, harassment or retaliation can have serious adverse effects on innocent individuals. We trust that all employees and County Associates will act responsibly in maintaining a working environment free of

discrimination. Knowingly false accusations or false information provided during an investigation will be considered grounds for disciplinary action.

6. Non-Waiver of Other Rights

- a. Nothing in this Executive Order should be construed as limiting an individual's right to file a complaint with the New York State Division of Human Rights or the United States Equal Employment Opportunity Commission or to take any legal action, which he or she may deem advisable.

VI. ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES

1. Discrimination, harassment or retaliation against an individual based upon an actual or perceived disability, record of impairment or relationship with a person with a disability (including, but not limited to: blood relationships; cooperative or supportive relationships at work or home) will not be tolerated by the County of Rockland.
2. The County of Rockland will provide reasonable accommodations to qualified employees with disabilities in order to enable such persons to perform all of the essential functions of their jobs on a full time basis and to enjoy the equal benefits, rights and privileges of employment.
3. The County of Rockland will make reasonable accommodations to qualified applicants with disabilities in order to provide them with equal access to the application, interview, testing, and hiring process.
4. Qualified individuals with disabilities who request reasonable accommodations should follow the County's reasonable accommodations procedure set forth in VI Section B.

Section A. Definitions

1. **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.
 - a. **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.
 - b. **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.
 - i. 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;
 - ii. Impairments may be episodic or in remission provided it would substantially limit a major life activity when active;
 - iii. 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.

- c. **Substantially limits** - An impairment which 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.
2. **Reasonable Accommodation** - Any modifications or adjustments made to policies, practices or procedure 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.
3. **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 of the essential functions of that position on a full time basis.
4. **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 descriptions, 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.

5. **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.

Section B. The Reasonable Accommodation Procedure

1. Introduction

- a. The reasonable accommodation process for individuals with disabilities should always be flexible and interactive, involving both the department and the applicant or employee requesting such accommodation. As appropriate, the Office for People with Disabilities and the Office of Employee Rights may be involved in order to facilitate coordination and cooperation throughout the process of requesting a reasonable accommodation.
- b. Although the department generally may not inquire whether an individual has a disability, it may inquire as to whether an accommodation is needed, particularly where a disability is apparent or suspected. When the need for a requested accommodation is not apparent, the department Americans with Disabilities (ADA) officer or other designated manager or supervisor may ask an applicant to provide appropriate documentation in support of their accommodation request.

- c. The department must consider an employee or applicant's preferences, along with what is reasonable under the circumstances for the work environment and the circumstances of the individual case, in deciding upon a reasonable accommodation.

Examples of reasonable accommodations may include, but are not limited to:

- i. making facilities readily accessible to and usable by qualified individuals with disabilities;
 - ii. redistributing or reallocating non-essential job functions to other employees;
 - iii. modification of work schedules;
 - iv. provision of or modification to equipment, devices or materials (e.g., raising a desk on boards for an employee who uses a wheelchair, providing flashing lights on telephones, providing large-print computer display program or materials in alternative formats).
- d. The department is however not required to provide personal items to employees that are needed both on and off the job (e.g., hearing aids, prosthetic limbs, wheelchairs, eyeglasses or similar devices). However, such items may constitute reasonable accommodation where they are specifically designed to meet specified job-related as distinguished from personal needs.
- e. Each department must provide accessibility to qualified applicants with disabilities throughout the application, interview, testing and hiring process.
- f. Information with respect to a reasonable accommodation due to disability request shall be kept confidential. All documentation and information concerning the disability, medical condition or health/medical history of an applicant or employee requesting a reasonable accommodation will be collected on forms separate and distinct from other personnel-related forms and will be maintained by each department in a separate confidential file. The information shall be treated as employee medical records, except to the extent that:
- i. Supervisors and managers should be informed about necessary restrictions on the work or duties of an employee and necessary accommodations;
 - ii. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in case of fire or other emergency evacuation;
 - iii. Relevant information must be provided, if requested to:
 - (1) Government officials investigating compliance with the ADA and other federal and state laws prohibiting discrimination on the basis of disability;
 - (2) State workers' compensation offices, "second injury" funds or workers' compensation insurance carriers, in accordance with state workers' compensation laws;
 - (3) Comply with federal or state laws and regulations; and/or
 - (4) Insurance companies where the company requires a medical examination in order to provide health or life insurance for an employee.
- g. Employees or applicants can request the assistance of the Office for People with Disabilities at any point throughout the process for requesting a reasonable accommodation.

2. Reasonable Accommodation Requests

- a. Employees with a disability who believe they require an accommodation are responsible for informing their department of that need. Employees should complete a Reasonable Accommodation Request form and submit it to their department head or departmental ADA officer. The Reasonable Accommodation Request form is attached to this Executive Order (see **Form E in Appendix II**).
- b. Where the need for a requested accommodation is not apparent, the department ADA officer may ask an applicant or employee to provide documentation in support of their request. In limited

circumstances, medical examinations or more detailed medical documentation may be required to determine whether an employee can perform the essential functions of the position and what accommodations may be appropriate. However, because the circumstances under which such medical examinations or documentation may be required in the context of a reasonable accommodation request are narrow and fact specific, department officials must consult with the Department of Law and the Office of Employee Rights before requesting them.

- c. An employee or applicant who requests a reasonable accommodation may be required to provide appropriate documentation in support of their request. Upon review of the request, documentation provided and after consultation with the Department of Law and Office of Employee Rights, the department head should either (1) provide or implement the accommodation request, and document the accommodation; or (2) implement a job analysis to determine purpose and essential functions of the position.

3. Job Analysis to Determine Purpose and Essential Functions

- a. Upon receipt of a request for a reasonable accommodation from an applicant or employee, the department ADA officer, in consultation with the Department of Law, Office of Employee Rights, Office for People with Disabilities, and/or the Department of Personnel shall examine the job description to determine the purpose and essential functions of the position. The identification of which job functions are essential is necessary to the determination of whether an employee with a disability is qualified for a position.
- b. Consultation with the employee or applicant:
 - i. Using a collaborative, open and flexible approach, the department ADA officer in conjunction with the Office of Employee Rights and employee or applicant (where a conditional offer of employment has been extended) should consider how any job-related limitations can be overcome, discuss possible reasonable accommodations and assess the effectiveness of each. The employer must consider an applicant or employee's preferences, along with what is reasonable under the circumstances for the work environment, in selecting accommodations. The department is not required to provide an accommodation that imposes undue hardship. The same type of open and collaborative approach also should be undertaken in identifying reasonable accommodations during the application process.
 - ii. After evaluating the position to determine its essential functions, the department ADA officer or other designated supervisor or manager in conjunction with the Office of Employee Rights should consult with the applicant or employee requesting the accommodation to assess the limitations that the disability imposes on the performance of each essential function. If a reasonable accommodation is requested for the application process itself, the department ADA officer or other designated supervisor or manager supervising the process should consult the applicant to determine how the process may reasonably be made accessible to them.

4. Select and Implement an Appropriate Reasonable Accommodation

- a. Within thirty (30) business days of an employee's submission of a request for reasonable accommodation, (a) the Office of Employee Rights will make a recommendation to the department, and (b) the department head will grant or deny the request in writing.
- b. If granted, the department shall provide the accommodation(s), or have begun to implement the accommodation(s).

- c. If the provision or implementation of the accommodation(s) takes longer than thirty (30) business days, the department head will document and discuss with the applicant or employee the steps taken to implement the accommodation(s) granted.
- d. In all instances, the ADA officer or other designated supervisor or manager will act as expeditiously as possible to provide the accommodation(s).
- e. Department heads may make decisions concerning ADA accommodation requests only after consultation with the Office of Employee Rights and the Department of Law.

5. Appeal

- a. Employees may appeal the accommodation decision to the County Executive's designee within fifteen (15) calendar days of the receipt of the decision.
- b. 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 officer;
 - iii. Consult with the Department of Law, Department of Personnel, the Office of Employee Rights and/or the Office for People with Disabilities; and
 - iv. Issue a written determination on appeal.

6. Monitoring

- a. The ADA officer and/or the Office of Employee Rights will monitor implementation of any reasonable accommodation provided by the County through its various departments.

7. For Further Guidance

- a. Throughout the reasonable accommodation request process, applicants, employees, and other qualified associates or agency officials may seek guidance by contacting the Office for People with Disabilities at (845) 708-7645, the Office of Employee Rights at (845) 708-7641; the Department of Personnel at (845) 638-5200, or the Department of Law at (845) 638-5180.

Section C. Service Animal Policy Statement

The County of Rockland prohibits discrimination against qualified individuals with disabilities, including those who require the assistance of a service animal. In accordance with federal, state and local law, the County of Rockland will accommodate qualified individuals with disabilities who require the assistance of a qualified service animal.

- 1. Definition** - A "service animal" is any guide dog, signal dog, or other animal individually trained to provide assistance to a person with a disability including but not limited to, guiding individuals with vision impairment, alerting individuals with hearing impairment to sounds, pulling a wheelchair, or retrieving items for persons with mobility impairments or assisting persons with balance impairments. Service animals are not considered pets.

The County will provide qualified employees with disabilities who use service animals reasonable accommodations to enable such individuals to perform their essential job functions. Service animals do not have to be licensed or certified by a state or local government.

2. Responsibilities of the Owner/Handler:

- a. A service animal must be on a leash at all times. It should never be permitted to wander off leash.
- b. An owner or handler is responsible for the care and supervision of the service animal and must be in full control of the service animal at all times.
- c. A service animal must be as unobtrusive as possible and may not be placed in a location that impedes access to or from any location.
- d. A service animal may be excluded from County property if the animal demonstrates behavior that is deemed to a direct threat to the health and safety of others or disrupts the County activities or functions and the threat to health or safety cannot be mitigated or eliminated by providing a modification to policies or practices.
- e. Owners or handlers are responsible to clean up after and properly dispose of service animal's waste. The County may provide employees with a reasonable accommodation to assist the employee is handling this responsibility.
- f. An owner or handler is responsible for assuring that the service animal is at all times in compliance with all requirements associated with licensing, vaccinations, and other health regulations.

Disabled employees requiring a service animal should use the Reasonable Accommodation due to Disability Request form to make such a request (**See Form E, Appendix II**). The County has the right to request documentation or demonstration of the need for the service animal, that the service animal is fully trained and capable of functioning in the workplace (will not disrupt the workplace). The County must grant the employee's request to use a service animal while at work unless doing so would create an undue hardship to the County.

VII. ACCOMMODATIONS FOR RELIGIOUS PRACTICE OR OBSERVANCE

1. The County of Rockland will reasonably accommodate a sincerely held religious observance or practice of employees or applicants provided there is no undue hardship to the County.
2. 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 or applicant is unable to perform the essential job function for his/her position.
3. In the granting of an accommodation for religious practice or observance, an employee shall not be required to remain at his/her place of employment during any day, days, or portions thereof that the employee observes as his/her Sabbath or other holy day as a requirement of the employee's religion. This includes a reasonable amount of travel time back to his/her home.
 - a. Whenever practicable, in the reasonable judgment of the department head, supervisor or manager, an equivalent number of work-hours may be made up at a mutually convenient time for the County and the employee;

- b. If such an arrangement is not possible, then the amount of time absent from work will be charged to any leave with pay credits other than sick leave. If the employee does not have enough leave time accrued, the absence will be treated as leave taken without pay;
- c. Employees shall not be entitled to overtime, 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.

VIII. ACCOMMODATIONS FOR VICTIMS OF DOMESTIC VIOLENCE

1. The County of Rockland prohibits employment discrimination against persons who are victims of domestic violence.
2. A victim of domestic violence is defined as the victim of certain enumerated family offenses¹ where the victim and the abuser are or were related by blood or marriage, or have an intimate relationship² or a child in common.
3. The County of Rockland will provide 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 also, Executive Order 2000-4 County of Rockland Domestic Violence Executive Order and Abuse Employee Awareness and Assistance Executive Order**).
4. The County of Rockland shall provide reasonable accommodations for employees who are victims of domestic violence and request a reasonable accommodation.
5. Examples of reasonable accommodations to victims of domestic violence include, but are not limited to: allowing an employee to work a flexible work schedule, allowing time used by the employee to be charged to leave credits, leave without pay or work hours made up through flexible work schedule.
6. The County of Rockland will reasonably accommodate employees who are victims of domestic violence that require paid and/or unpaid time off from work for medical/mental health care; family or criminal court appearances, related legal appointments or actions; or the relocation of the employee's habitation.
7. Related absenteeism and tardiness will be tolerated so long as it does not constitute an undue hardship to the County.
 - a. Departments 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

¹ Disorderly conduct, reckless endangerment, harassment, stalking, menacing, or physical harm or the threat of harm.

² "Intimate relationship" includes but is not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship".

employee's status as a victim of a domestic violence is known, or should have been known, by the department;

- b. An employee making a request for reasonable accommodation under this section shall make such request to his or her manager, supervisor, department head or the Department of Personnel.
 - c. In compliance with New York State Penal Law §215.1, an employee who is the victim of a domestic violence offense or has witnessed a domestic violence offense may:
 - i. Be granted without pay leave to appear as a witness, consult with the district attorney, or exercise his or her 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;
 - ii. 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.
8. 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 employee making such request or is otherwise subject to disclosure required by federal, state or local law.

IX. ACCOMMODATIONS FOR NURSING MOTHERS

1. The County of Rockland supports the rights of nursing mothers in the workplace.
2. The County of Rockland will reasonably accommodate requests from nursing mothers to reasonable uncompensated time to allow an employee to express milk for her nursing child during each workday provided the request does not constitute an undue hardship to the County.
3. The County shall provide a room or other location, in close proximity to the employee's work area, where the employee can express milk in private.
4. The nursing mother is responsible for proper preservation and storage of the employee's breast milk.
5. The County will make reasonable efforts to accommodate nursing mothers for up to three (3) years following the birth of the employee's child and shall not discriminate in any way against an employee who chooses to express breast milk in the workplace.
6. The employee shall make requests for this accommodation directly to the employee's supervisor.

X. IMPLEMENTATION OF EXECUTIVE ORDER

1. County Executive

The County Executive has ultimate authority and responsibility for the implementation of this Equal Employment Opportunity Executive Order and the enforcement of federal, state and local equal employee opportunity laws and regulations within County government. The County Executive's responsibility includes, but is not limited to generally overseeing the implementation of this Executive Order and related

programs; and making final decisions with respect to accommodation applications, investigations, reports, complaint resolutions, and all other matters arising from the administration of this Executive Order.

2. Office of Employee Rights, Relations and Training (Office of Employee Rights)

The Director of the Office of Employee Rights, Relations and Training reports directly to the County Executive with respect to matters arising from this policy including but not limited to decisions with respect to accommodation applications, investigations, reports or complaint resolutions, which require the County Executive to exercise his ultimate authority and responsibility as set forth in Section X(1) hereinabove. Consistent with this obligation, the County Executive may designate an officer or department head to oversee the Director and be responsible for the day-to-day operations of the Office of Employee Rights, Relations and Training.

The Office of Employee Rights has general responsibility for the coordination, implementation and enforcement of the County's Equal Employment Opportunity Executive Order. The general responsibility includes:

- a. Supervising and coordinating the implementation of this Executive Order and related programs;
- b. Monitoring the progress made by the County towards its EEO goals, identifying problems and barriers, and recommending solutions to the problems and barriers;
- c. Collecting and analyzing relevant statistical data with respect to the County's population, labor force and work force;
- d. Organizing and/or conducting appropriate educational training programs for all County employees. Training with respect to this Executive Order shall be provided to all employees at least once per year;
- e. Serving as a resource for human rights and equal employment opportunity matters for all County departments, offices and agencies;
- f. Ensuring equity, enforcement and compliance with all federal and state statutes, rules and regulations, as well as the uniform application of the reasonable accommodation process;
- g. Investigating and/or resolving any complaints in violation of this Executive Order;
- h. Maintaining a positive relationship with the community and participating in community activities;
- i. Representing the County Executive at various public commissions, meetings, or forums, where appropriate;
- j. Performing such other functions to further equal employment opportunity as the County Executive may direct;
- k. In conjunction with the Department of Law, evaluating, reviewing and updating this Executive Order to remain in compliance with federal, state, and local laws; and
- l. The Director will submit regular reports to the County Executive outlining the progress of and any deficiencies with this Executive Order. In addition, there will be an annual report to the County Executive, which will include an assessment of the progress made in achieving the goals of this Executive Order.

3. Department Heads

Department Heads have the general responsibility for ensuring that the County's EEO Executive Order is fully implemented within their departments. Their responsibilities include, but are not limited to:

- a. Adhering to and taking all necessary steps to implement the County's EEO plan with respect to departmental operations, whether or not specifically noted in this Executive Order;
- b. Reviewing, on a continuing basis, all policies, practices, procedures and criteria used in the department's operations to ascertain their discriminatory impact, if any;
- c. Assuring that all departmental personnel are aware of this Executive Order and principles;
- d. Coordinating with the Office of Employee Rights to facilitate in-house or other appropriate training of departmental personnel;
- e. Administering appropriate formal and informal discipline to those employees who are out of compliance with this Executive Order; and
- f. Requiring adherence to and active support of Equal Employment Opportunity principles as a factor in the determination of merit salary increases (increments) for each employee.

4. The Office for People with Disabilities

The Office for People with Disabilities provides information and resources to people with disabilities (applicants, employees and members of the general public) and advocates for them in order to ensure that they are afforded equal rights under the law. The Office for People with Disabilities is available to assist any applicant or employee with a request for an accommodation and/or to advocate for them at any stage in the reasonable accommodation process. The office can also advocate for individuals in the wider Rockland County community.


5. Department ADA Officers

- a. Every department head shall designate an American with Disability Act Officer (ADA Officer) within their department;
- b. The ADA Officer shall be responsible for working with the Office for People with Disabilities and the Office of Employee Rights in order to ensure effective communication between applicants, employees and department personnel at every stage of the reasonable accommodation process. Effective communication may require arranging for sign language interpreters, providing assistive listening equipment, arranging for alternative formats for people with visual impairments, or other approaches; and
- c. The ADA officer shall also be responsible for providing such other reasonable assistance as is requested by applicants, employees and supervisors throughout the reasonable accommodation process.

Any county associate who has questions or wishes to raise concerns about this Executive Order or procedures should contact:

County of Rockland
Office of Employee Rights, Relations and Training
2 New Hempstead Road, New City, New York, 10956 or
via Telephone at (845) 708-7641

THIS EXECUTIVE ORDER SHALL TAKE EFFECT THIS 13TH DAY OF June, 2011.


C. SCOTT VANDERHOEF
COUNTY EXECUTIVE

**COUNTY OF ROCKLAND
ANTI-DISCRIMINATION
AND
EQUAL EMPLOYMENT OPPORTUNITY EXECUTIVE ORDER 2011-03**

APPENDIX I – EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

The County of Rockland 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 Executive Order, and to eliminate any discriminatory employment practices and their consequences as they affect legally protected 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.

The Office of Employee Rights, Relations and Training will monitor and evaluate such programs on an ongoing basis.

A: RECRUITMENT

1. A proactive recruiting program may include, but is not limited to:
 - (a) expansion of recruitment contacts and sources to underrepresented classes including females, people of color/non-whites, 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) posting and advertising of available job and promotional opportunities in a conspicuous, public and timely fashion;
 - (d) establishing ongoing contacts with guidance and vocational personnel within local school districts to provide information about career opportunities, counseling and information relative to employment preparation and training with the County of Rockland;
 - (e) composing and designing recruitment literature to reflect the diversity of the County's population;
 - (f) arranging for local media to broadcast public service announcements and preparing interviews or materials regarding career opportunities in local government for public dissemination;
 - (g) reviewing job descriptions and turnover rates to determine vacancy patterns in order to plan appropriate recruitment efforts; and
 - (h) reviewing methods and techniques used in interviewing job applicants.

B: SELECTION, APPOINTMENT AND ASSIGNMENT

1. An appointment and assignment process that may include, but is not limited:
 - (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 enumerated 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 classes and advising the New York State Department of Civil Service of identified items.

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.

D: EQUAL EMPLOYMENT OPPORTUNITY TRAINING

1. A proactive training program that may include, but is not limited to:
 - (a) providing training of department heads, supervisors, managers and employees in the prevention of unlawful workplace discrimination;
 - (b) providing training of department heads, supervisors, and managers in legal interviewing techniques; and
 - (c) providing training of department heads, 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.

**COUNTY OF ROCKLAND
ANTI-DISCRIMINATION
AND
EQUAL EMPLOYMENT OPPORTUNITY EXECUTIVE ORDER 2011-03**

APPENDIX II - FORMS

- A. Acknowledgment of Receipt of Copy of County's Equal Employment Opportunity Executive Order and Receipt of Related Training.
- B. Complaint of Discrimination, Harassment or Retaliation.
- C. Notice of Withdrawal of a Complaint of Discrimination, Harassment or Retaliation.
- D. Notice of Resolution of a Complaint of Discrimination, Harassment or Retaliation.
- E. Request for Reasonable Accommodation Based on Disability.
- F. Request for Reasonable Accommodation Based on Religious Practice or Observance.

COPIES OF THE COMPLAINT FORMS ARE AVAILABLE AT:

The Office of Employee Rights, Relations and Training
County of Rockland Office Building
2 New Hempstead Road, 1st Floor
New City, New York 10956
Telephone: 845-708-7640
Fax: 845-708-7650

**COUNTY OF ROCKLAND
ANTI-DISCRIMINATION
AND
EQUAL EMPLOYMENT OPPORTUNITY EXECUTIVE ORDER 2011-03**

FORM A

**(ACKNOWLEDGEMENT OF RECEIPT OF COUNTY'S EQUAL EMPLOYMENT EXECUTIVE
ORDER AND RECEIPT OF RELATED TRAINING)**

I, _____, hereby acknowledge that I have been provided with a copy
(Print name)

of the County's Equal Employment Opportunity Executive Order and my rights and responsibilities with respect to it were explained to me.

- I understand that I have a right to file a complaint alleging illegal discrimination, harassment or retaliation or other violation of this Executive Order.
- I understand that I have an obligation to report possible incidents of discrimination, harassment or retaliation to my supervisor under all circumstances.
- If I am, a department head, manager or supervisor, I further understand that, in addition to my obligation to report under all circumstance, I also have a duty to intervene to prevent further discrimination, harassment or retaliation.
- I understand that the procedures and the forms for filing a complaint are explained in the County's Executive Order.

Signature

Name [Printed]

Department

Dated

**COUNTY OF ROCKLAND
ANTI-DISCRIMINATION
AND
EQUAL EMPLOYMENT OPPORTUNITY EXECUTIVE ORDER 2011-03**

FORM B

(COMPLAINT OF DISCRIMINATION, HARASSMENT, OR RETALIATION)

DIRECTIONS - READ CAREFULLY

1. Complete this form if you, as an employee, applicant or County Associate of the County of Rockland, believe that you have been discriminated against, harassed, retaliated against, in violation of Rockland County of Rockland's Anti-Discrimination and Equal Employment Opportunity Executive Order.
2. If you wish to file a complaint contact the Office of Employee Rights, Relations and Training or a department head, manager or supervisor of any County department.
3. At any time, you have a right to file a complaint with the New York State Division of Human Rights, the United States Equal Employment Opportunity Commission or to take any legal action, which you may deem appropriate.

**PLEASE FILL OUT THE ATTACHED COMPLAINT FORM AS COMPLETELY AS
POSSIBLE**

FORM B

(COMPLAINT OF DISCRIMINATION, HARASSMENT, OR RETALIATION)

(Page 2 of 5)

14. Basis of Complaint (Please check all that apply to your complaint)

(A) Discrimination or Harassment:

- | | | |
|--|--|--|
| <input type="checkbox"/> Age | <input type="checkbox"/> Disability | <input type="checkbox"/> Record of Conviction |
| <input type="checkbox"/> Alienage/Citizenship | <input type="checkbox"/> Gender/Sex | <input type="checkbox"/> Veteran/Military Status |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Victim of Domestic Violence |
| <input type="checkbox"/> Creed | <input type="checkbox"/> Genetic Information | |
| <input type="checkbox"/> Race | <input type="checkbox"/> National Origin | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Nursing Mother | | |
| <input type="checkbox"/> Other: _____ (Please state) | | |

(B) Retaliation for a Protected Activity:

- Raising concerns or filing a complaint about discrimination, harassment or retaliation
- Cooperating in a related investigation of a concern or complaint
- Assisting in providing information about discriminatory practices, including harassment
- Seeking a reasonable accommodation for a disability, religious observance, domestic violence matter, or as a nursing mother
- Other: _____ (Please state)

15. Name and title of person(s) and departments(s), (if known) you believe discriminated, harassed, retaliated or denied your request for an accommodation:

16. Date(s) when alleged discrimination, harassment, retaliation and/or refusal of accommodation took place:

Month	Day	Year	Month	Day	Year
_____	_____	_____	_____	_____	_____

- Is the alleged discrimination continuing? Yes No
- Is the alleged harassment continuing? Yes No
- Is the alleged retaliation continuing? Yes No

17. Have you filed this complaint with a federal, state or other local government agency?

Yes No

If yes, which agency: _____ Date Filed: _____
Address: _____
Contact Person: _____

FORM B

(COMPLAINT OF DISCRIMINATION, HARASSMENT, OR RETALIATION)

(Page 3 of 5)

18. Have you filed a lawsuit or instituted any court action in this matter?

Yes No

If yes, which court: _____ Date Filed: _____

Address: _____

Contact Person: _____

19. Are you represented by legal counsel in this matter?

Yes No

If yes, name of attorney: _____

Contact Information: _____

20. Briefly describe what occurred and your reasons for concluding you were discriminated against, harassed or retaliated against: Please include specific information (e.g. dates and locations)

(Attach additional page if necessary)

21. 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 has knowledge of.

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

23. Is there any physical evidence that supports your complaint? **(If yes, please describe).**

FORM B

(COMPLAINT OF DISCRIMINATION, HARASSMENT, OR RETALIATION)

(Page 4 of 5)

24. Have you suffered any physical and/or mental injury as the result of actions set forth in the complaint? (If "yes," please describe).

25. Have you received medical treatment of any kind for the physical and/or mental injury set forth in response to question number 24? (If "yes," please describe).

26. Have you missed any work time as the result of the conduct set forth in the complaint? (If "yes," identify the occasion(s)).

27. Have you incurred any unreimbursed medical expenses as the result of the conduct set forth in the complaint? (If "yes," please describe).

28. 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.

FORM B

(COMPLAINT OF DISCRIMINATION, HARASSMENT, OR RETALIATION)

(Page 5 of 5)

28. 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

<p>FOR USE OF OFFICE OF EMPLOYEE RIGHTS, RELATIONS AND TRAINING</p> <p>Received by: _____</p> <p>Date Received: _____</p>
--

**COUNTY OF ROCKLAND
ANTI-DISCRIMINATION
AND
EQUAL EMPLOYMENT OPPORTUNITY EXECUTIVE ORDER 2011-03**

FORM C

**(NOTICE OF WITHDRAWAL OF A COMPLAINT OF DISCRIMINATION,
HARASSMENT OR RETALIATION)**

Complainant's Name: _____

Title and Department: _____

Respondent's Name: _____

Title and Department: _____

Date Complaint Filed: _____

Type of Discrimination, Harassment or Retaliation Alleged: _____

By signing this form, I agree that no further action is required on this complaint.

Complainant

Date

For Use of Office of Employee Rights, Relations and Training

Acknowledgment of Receipt and Date: _____

Comments: _____

Director's Signature: _____

**COUNTY OF ROCKLAND
ANTI-DISCRIMINATION
AND
EQUAL EMPLOYMENT OPPORTUNITY EXECUTIVE ORDER 2011-03**

FORM D

**(NOTICE OF RESOLUTION OF A COMPLAINT OF DISCRIMINATION,
HARASSMENT OR RETALIATION)**

Complainant's Name: _____

Title and Department: _____

Respondent's Name: _____

Title and Department: _____

Date Complaint Filed: _____

Type of Discrimination, Harassment or Retaliation Alleged: _____

Office of Employee Rights Director: _____

This is to confirm that your complaint, filed with the Office of Employee Rights on _____ (insert date) has been resolved to the mutual satisfaction of all of the parties involved and this matter is now closed.

The terms of the resolution are as follows: (Please state what actions will be taken by all parties to the complaint in order to rectify the situation that gave rise to the complaint of discrimination, harassment or retaliation).

(Attach additional page if necessary)

By signing this form, all parties signify that they agree to the terms of the resolution and that no further action is required on this complaint.

Complainant Date

Respondent Date

Department Head Date

Office of Employee Rights Date

Other (e.g. Union Official) Date

**COUNTY OF ROCKLAND
ANTI-DISCRIMINATION
AND
EQUAL EMPLOYMENT OPPORTUNITY EXECUTIVE ORDER 2011-03**

FORM E

(REQUEST FOR REASONABLE ACCOMMODATION BASED ON DISABILITY)

The County of Rockland will make reasonable accommodations to qualified applicants and employees with disabilities to enable them to enjoy equal benefits and privileges of employment throughout the employment process, unless providing such accommodation would impose an undue hardship. This form shall be made available to and used by all employees and applicants requesting a reasonable accommodation pursuant to the County's Reasonable Accommodation Policy and Procedure.

DIRECTIONS

READ CAREFULLY

1. Complete this form if you, as an employee or applicant with a disability, wish to request a reasonable accommodation in conjunction with the County of Rockland's Reasonable Accommodation Policy and Procedure.
2. Employees should file this form with your Department's ADA Officer.
3. Applicants for employment should file this form with the ADA Officer supervising the application process in the Department of Personnel.
4. The Office for People with Disabilities is available to help any employee or applicant complete this request for reasonable accommodation and/or to advocate for them at any stage of the reasonable accommodation process. You should contact your Department's ADA Officer if you have any questions about completing this application or proceeding with the reasonable accommodation process.
5. All medical and other confidential information pertaining to your request for a reasonable accommodation will be maintained separate and apart from your personnel records.

PLEASE FILL OUT SECTION I OF THE ATTACHED COMPLAINT FORM AS COMPLETELY AS POSSIBLE. (SECTIONS II AND III ARE FOR DEPARTMENT USE ONLY.)

**COUNTY OF ROCKLAND
ANTI-DISCRIMINATION
AND
EQUAL EMPLOYMENT OPPORTUNITY EXECUTIVE ORDER 2011-03**

FORM E

(REQUEST FOR REASONABLE ACCOMMODATION BASED ON DISABILITY)

(Page 1 of 3)

(BEFORE COMPLETING THIS FORM PLEASE READ INSTRUCTIONS ON THE PRECEDING PAGE)

SECTION I

(Employees or Applicants)

1. Name of employee or applicant: _____
2. Home address: _____
3. Home phone #: _____ Work phone #: _____
Cell phone#: _____
4. Date of hire (if applicable): _____
5. Department/unit: _____
6. Position in which you work/applied: _____
7. Explanation of accommodation requested: (attach additional pages and supporting documentation as appropriate.)

(Applicants Only)

8. Date of exam/interview for position which you applied: _____
9. For which part of the employment process did you request an accommodation?
[e.g. application, examination, interview, other (**please identify**)]: _____

ACKNOWLEDGEMENT

I swear or affirm that I have read this application requesting a reasonable accommodation based upon disability and that the information contained in this request is true to the best of my knowledge, information and belief.

Signature: _____ Date: _____

***EMPLOYEES should submit this form to their Department ADA Officer.
APPLICANTS should submit this form to ADA Officer supervising the application process in
the Department of Personnel.***

FORM E

(REQUEST FOR REASONABLE ACCOMMODATION BASED ON DISABILITY)

(Page 2 of 3)

[FOR DEPARTMENT USE ONLY]

Upon receipt of this form (completed by an employee or applicant) the Department ADA Officer or Department of Personnel should:

- (1) Complete Section II below
- (2) Return a copy to the employee or applicant
- (3) File the original with the Department
- (4) Forward a copy to the Office for People with Disabilities and the Office of Employee Rights, Relations and Training.

SECTION II - To be completed by the Department ADA Officer.

Name of ADA Officer: _____
Department: _____
Location: _____
Phone: _____
ADA Officer Signature: _____ Date Received: _____

SECTION III - To be completed by the Department Head:

Accommodation APPROVED: _____

Accommodation DENIED: _____

Notification of Need for Additional Information/Documentation

No decision has been made at this time. We will continue to assess your request. An ADA Officer will contact you within the next five (5) business days: _____

We are continuing to assess your request. To make a determination, we need the following additional documentation:

Medical Documentation

Please inform your physician of your application requesting a reasonable accommodation. Have your physician provide us with medical documentation, including the limitations placed upon your life functions and activities. Information should be sent to us within 10 (10) business days, to the following address:

_____ *[Insert Address]*

We require no additional information from you at this time.

FORM E

(REQUEST FOR REASONABLE ACCOMMODATION BASED ON DISABILITY)

(Page 3 of 3)

The County of Rockland will evaluate all relevant information. This may include an interview with you and/or your department head, manager or supervisor. Upon completion of our review, you will be informed in writing regarding the County of Rockland's decision. We anticipate the decision will be available within fifteen (15) business days. If you have any questions, please contact me at:

(845) _____.

Signature: _____ Date: _____
Printed Name/Title: _____

SECTION IV - Notification That Agency Will Provide Reasonable Accommodation

We are pleased to inform you that based upon additional information provided to us, the County of Rockland is able to provide the reasonable accommodation, which you requested on _____ [Insert Date]. Please discuss this with your department head, manager or supervisor. If you have any questions please call me at (845) _____.

A letter confirming this decision will be sent to you within the next five (5) business days.

Signature: _____ Date: _____
Printed Name/Title: _____

SECTION V - Notification Of Denial Of Request For Accommodation

We regret to inform you that the County of Rockland hereby denies your request for the accommodation, which you requested on _____ [Insert Date]. We are denying the request for the following reason(s): _____. A letter confirming this decision will be sent to you within the next five (5) business days.

Signature: _____ Date: _____
Printed Name/Title: _____

You NOW have several options:

1. You may accept our decision and end this process; or
2. You may appeal to the County Executive as per the Reasonable Accommodate policy and procedure.

COUNTY OF ROCKLAND
ANTI-DISCRIMINATION
AND
EQUAL EMPLOYMENT OPPORTUNITY EXECUTIVE ORDER 2011-03

FORM F

**(REQUEST FOR REASONABLE ACCOMMODATION BASED ON RELIGIOUS
PRACTICE OR OBSERVANCE)**

(BEFORE COMPLETING THIS FORM PLEASE READ INSTRUCTIONS ON THE PRECEDING PAGE)

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: (attach additional pages and supporting documentation as appropriate.)

(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**)]:

ACKNOWLEDGEMENT

I swear or affirm that I have read this application requesting a reasonable accommodation based upon disability and that the information contained in this request is true to the best of my knowledge, information and belief.

Signature: _____ Date: _____

EMPLOYEES should submit this form to their department ADA officer, department head, manager or supervisor. APPLICANTS should submit this form to the Department of Personnel