



ERIE METROPOLITAN TRANSIT AUTHORITY

POLICY PROHIBITING WORKPLACE HARASSMENT

SEXUAL HARASSMENT

Statement of Policy

Sexual Harassment is a form of sexual discrimination that violates Title VII of the Civil Rights Act of 1964. The Authority believes that each employee should be able to work in an atmosphere that is free from discriminatory intimidation based on sex, as well as intimidation based on race, color, gender, age, religion, marital status, national origin, or the presence of a physical, sensory or mental disability. The Authority does not permit or tolerate workplace harassment of employees by anyone – supervisors, managers, co-workers, contractors, vendors, suppliers, passengers, guests, or other patrons. This should be considered a zero-tolerance policy.

While this policy provides specific examples of sexual harassment, the policy's provisions – including methods of investigation and discipline- also apply to all forms of illegal discrimination. The actions in this policy also apply to bullying of co-employees, patrons, vendors or other persons affiliated with the Authority. Finally, this policy applies to all actions of an employee when in furtherance of the Authority's business.

Sexual harassment, according to the Federal Equal Employment Opportunity Commission (EEOC), consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual or sex-based nature where; (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) an such conduct; or (3) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

It is also unlawful to retaliate or take reprisal in any way against anyone who has articulated any concern about workplace harassment or discrimination, whether that concern relates to harassment of or discrimination against the individual raising the concern or against another individual. Examples of conduct that would be considered sexual harassment or related retaliation are set forth in the Statement of prohibited Conduct which follows. These examples are provided to illustrate the kind of conduct addressed by this policy; the list is not exhaustive.

Workplace harassment is unlawful, and such prohibited conduct exposes not only the Authority but individuals (including the Authority members) involved in such conduct, to significant liability under the law. At all times, employees should treat other employees and patrons respectfully and with dignity in a manner so as not to offend the sensibilities of an affected person. Accordingly, the Authority is committed to vigorously enforcing its workplace harassment policy at all levels.

Statement of Prohibited Conduct

The Authority considers the following conduct to be representative of the type of acts which violate the sexual harassment policy:

A. Physical assaults of a sexual nature, such as:

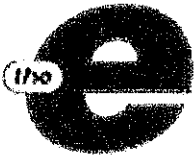


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1. Rape, sexual battery, molestation or attempts to commit these assaults; and
 2. Intentional physical behavior which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, poking another employee's body, or impeding the movement of another person.
- B. Unwanted sexual advances, propositions or other sexual comments such as:
1. Sexually oriented gestures, noises, remarks, jokes, epithets, slurs, innuendo, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way, that such conduct in his or her presence is unwelcome;
 2. Suggestive or obscene written comments in notes, letters, invitations, or e-mail;
 3. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of the employee's sex;
 4. Preferential treatment or promise of preferential treatment of an employee for submitting to sexual activity, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- C. Sexual or discriminatory displays of publications in workplace, such as:
1. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic; emails or social media posts.

A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work at the Authority and who has posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.
 2. Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace, other than employee only restrooms and similar semi-private lockers/changing rooms.
- D. Retaliation for sexual harassment complaints, such as:
1. Disciplinary actions against, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work related matters with any employee because that employee has complained about or resisted harassment, discrimination, or retaliation; and



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2. Withdrawing or threatening the withdrawal of any kind of employment benefit for refusing to grant a sexual favor, e.g., suggesting that an individual will receive a poor performance review or be denied a raise unless he/she goes out on a date with a supervisor; and
3. Intentionally pressuring, falsely denying, lying about or otherwise concealing or attempting to conceal such prohibited conduct.

E. Other acts:

1. The above is not construed to be an all-inclusive list of prohibited acts under this policy;
2. Sexual harassment is unlawful and hurts other employees, any of the prohibited conduct described herein is sexual harassment of anyone toward whom it is directed or who is otherwise subjected to it. Each incident of harassment, moreover, contributes to a general atmosphere in which all persons who share the victim's gender suffer the consequences. Sexually oriented acts or sex-based conduct have no legitimate business purpose; accordingly, any employee who engages in such conduct should be, and will be, made to bear the full responsibility for such unlawful conduct.
3. This policy should be construed in the context of the Company's social media policies. If harassment through social media occurs and it is determined that such harassment is work related, the standards set forth in this policy will be employed.
4. This policy applies to all actions of employees as they apply to customers or vendors and vice versa including improper conduct outside of the workplace. If it is determined that misconduct under this policy occurs outside of work hours or off work premises, the penalties in this policy shall apply.

Other forms of Discrimination

As noted in the introductory section, this policy applies to all forms of discrimination or harassment. The actions above which may create a hostile or discriminatory environment also apply to age, disability, gender, racial, ancestry, religious discrimination or other protected activities. Any actions, visual or verbal that may be construed to discriminate based upon a protected activity will be subject to this policy. This includes, but is not limited to, improper comments, passing up a class of passengers, improper gestures or visual gestures. The list of activities in this policy is intended as an example but is not all inclusive.

Also, bullying of co-workers or other persons affiliated with the Authority will not be tolerated. Actions that intimidate, harass or interfere with the ability of a person to provide meaningful benefit to the Authority is prohibited. Co-workers and agents of the Authority owe respect to those who the Authority serves and anti-social or improper behavior towards others creates a dangerous situation in the workplace and is prohibited.

Penalties for Misconduct



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Any employee's commission of acts of workplace harassment or retaliation against a workplace harassment complaint will result in appropriate disciplinary actions which may include, but are not necessarily limited to written warnings, training, scheduling change, suspension without pay, and/or termination of employment, of the offending employee, or other remedial action depending upon the nature and severity of the misconduct. The Authority will impose all appropriate sanctions against contractors, vendors, suppliers, passengers, guests, or other patrons who commit acts of workplace harassment or retaliation against a workplace harassment complaint.

A written record of each action taken pursuant to this policy will be placed in the offending employee's personnel file. The record will reflect the conduct, the warning given, or other disciplinary action imposed.

Procedure for Making, Investigating and Resolving Workplace Harassment and Retaliation Complaints

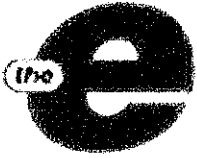
A. Complaints

Complaints of acts of workplace harassment and retaliation that are in violation of the workplace harassment policy will be accepted either in writing or orally, and anonymous complaints will be taken seriously and investigated. A Complaint need not be limited to persons who were the targets of harassment or retaliation. Anyone who has observed workplace harassment or retaliation should report it to their immediate supervisor. In the event that it would be inappropriate to report such concern to one's immediate supervisor, the report may be made to the General Manager. In the event that a female employee should prefer to report a concern about workplace discrimination or harassment to another female representative of the Authority, the report may be made to a female member of the Authority Board. In the event that a male employee should prefer to report a concern about workplace discrimination or harassment to another male representative of the Authority, the report may be made to a male member of the Authority Board. All complaints, regardless of who receives them, shall be reviewed and investigated.

The Authority encourages prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the sensitivity of these problems and because of the emotional toll such misconduct may have on the individual, no limited time frame will be instituted for reporting workplace harassment complaints. Delayed reporting of complaints will not in and of itself preclude the Authority from taking actions.

B. Confidentiality

Every effort shall be made to keep all matters related to the complaint, the investigation, and the results, confidential. In the event of a lawsuit, any records maintained may not be considered privileged from disclosure. Only those who have an immediate need to know including the person to whom a report was made, the alleged target of harassment or retaliation, the alleged harasser or retaliator, and any witnesses, will or may find out the identity of the complainant. All parties contacted in the course of an investigation will be advised that all parties



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involved in the charge are entitled to respect and that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who has made a complaint or who has provided evidence in connection with a complaint, is a separate actionable offense and subject to discipline under this policy.

C. Cooperation

An effective workplace harassment policy requires the support and example of personnel in positions of authority. The Authority managers or employees who engage in workplace harassment or retaliation or who fail to cooperate with the Authority-sponsored investigations of workplace harassment or retaliation may be severely disciplined by written warnings, suspension without pay and/or termination of employment. By the same token, managers who refuse to implement remedial measures, obstruct the remedial efforts of other Authority employees, and/or retaliate against workplace harassment complainants or witnesses may be immediately disciplined by written warning, suspension without pay, and/or termination of employment.

D. Investigation

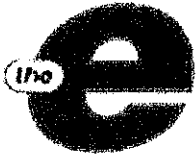
Investigations shall begin promptly after receiving such complaints. Interviews shall be conducted with the employee making the initial complaint and the person suspected of workplace harassment if there is sufficient evidence to believe that some form of workplace harassment may have occurred. Interviews may also be conducted with any other individual who may have information about the complaint.

A written report shall be prepared within ten (10) working days after the beginning of the investigation unless extenuating circumstances prevent its completion. This report shall indicate a finding that workplace harassment occurred. A copy of the report shall be given to the complainant, any employee to whom the workplace harassment was directed, as well as any employee suspected of workplace harassment.

Where an investigation results in a finding that the complainant falsely accused another person of workplace harassment knowingly, or in a malicious manner, the complainant will be subject to appropriate discipline, including the potential for termination of employment.

E. Appeal Process

If the employee filing the Complaint or the person accused of sexual harassment desires to appeal any decision that is issued, they may do so by providing a written request to the General Manager within seven (7) working days after receiving the decision. All appeals will be decided by the Authority Board, according to a procedure that they determine to follow. All decisions made by the Authority board regarding non-bargaining unit employees shall be binding and final.



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Bargaining unit employees may appeal decisions issued by the Authority Board by following their grievance procedure.

F. Legal Remedies for Harassment.

Any person who believes they have been a victim of workplace harassment that has not been addressed by the Authority in accordance with this policy, may take further action as he or she deems necessary in accordance with posted Department of Labor information.