RESOLUTION No. **2** of 2009

BE IT RESOLVED AND IT HEREBY IS RESOLVED, the Township of Wayne – Lawrence County Board of Supervisors, Dennis Hall, Robert Abraham, Charles Hutchison have adopted the PSATS (Pennsylvania State Association of Townships) Sexual Harassment Policy – Statement of Policy of 1964 Which Prohibits Employment Discrimination on the Basis of Race, Color, Sex, Age or National Origin.

Section 1 - Statement of Policy - Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, color, sex, age or national origin. Sexual harassment is included among the prohibitions.

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 employment decision is based on an individual's acceptance or rejection of 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 sexual 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 prescribed by this policy; the list is not exhaustive.

Sexual harassment is unlawful, and such prohibited conduct exposes not only WAYNE Township as an employer, but also individuals involved in such conduct, to significant liability under the law. Employees at all times should treat other employees respectfully and with dignity in a manner so as not to offend the sensibilities of a co-worker. Accordingly Wayne Township is committed to vigorously enforcing its sexual harassment policy at all levels within the township departments.

Section 2 - Statement of Prohibited Conduct - The Township of Wayne considers the following conduct to represent some of the types of acts which violate the sexual harassment policy:

a. Physical assaults of a sexual nature, such as: (1) Rape, sexual battery, Molestation or attempts to commit these assaults; and (2) Intentional physical

conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.

b. Unwanted sexual advances, propositions or other sexual comments such as: (1) A pattern of sexually oriented gestures, noises, remarks, jokes, 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 ouch conduct in his or her presence is unwelcome; (2) Preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct, Including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; (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 that employee's sex.

c. Sexual or discriminatory displays or publications in the work place, such as: (1) Displaying pictures, posters, calendar, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic. (2) Displaying signs or other materials purporting to segregate an employee by sex in any area of the work place, other than restrooms and similar semi-private lockers/changing rooms.

d. Retaliation for sexual harassment complaints, such as: (1) Disciplining, 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 (2) Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as that described In the item above.

e. Others acts: (1) The above is not to be construed as 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 here is sexual harassment of any one at 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 sex suffer the consequences. Sexually oriented acts or sex based conduct have no legitimate business purpose; accordingly, the employee who engages in such conduct should be and will be made to bear the full responsibility for such unlawful conduct.

Section 3 - Penalties for Misconduct - Any employees commission of acts of sexual harassment or retaliation against a sexual harassment complainant will result In appropriate sanctions, up to and including dismissal, against the offending employee, depending upon the nature and severity of the misconduct.

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, or alleged conduct, and the warning given, or other discipline imposed.

Section 4 - Procedures for Making, Investigating and Resolving Sexual Harassment and Retaliation Complaints -

(a). Complaints - (1) All complaints will be in writing and notarized using the form provided by the Township. All Information pertinent to the charges will be included. Complaints of acts of sexual harassment and retaliation that are in violation of the sexual harassment policy will be taken seriously and investigated. A complaint need not be limited to someone who was the target of harassment or retaliation. Anyone who has observed sexual harassment or retaliation should report it to their immediate supervisor. In the event that it would be inappropriate to report such concerns to one's immediate supervisors, the report should be made to the Board of Supervisors. In the event that a female employee would prefer to report a concern about sexual discrimination or harassment to another female, another female employee of the Township is designated as the proper person to receive such communications. (2) 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 involved in a 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 provided evidence in connection with a complaint, is a separate actionable offense and subject to discipline under this policy.

(b) Cooperation. - An effective sexual harassment policy requires the support and example of personnel in positions of authority. Wayne Township agents or employees who engage in sexual harassment or retaliation or who fail to cooperate with Township sponsored investigations of sexual harassment or retaliation may be severely sanctioned by suspension or dismissal. By the same token, officials who refuse to implement remedial measures, obstruct the remedial efforts of other Township employees, and/or retaliate against sexual harassment complainants or witnesses may be immediately censured.

(c) Process - A special committee of the Board of Supervisors appointed by the Chairman will take testimony of the accuser and any witnesses offered in support of the charge; the accuser and the accused will be provided an opportunity to review and respond to the charges for accuracy and/or clarification. The investigation will then proceed to validate or dismiss the allegations. In either case, both accuser and accused will have the right of appeal, if requested in writing within ten (10) days of the determination, and forwarded to the Special Committee. Upon completion of their hearing and factual review, they may recall witnesses or take other steps as they determine.

The Appeal Panel will communicate its determination in writing to the parties and copies to the Board of Supervisors. The Township will then consider the issue closed.

All complaints, investigations, hearings, appeals, etc. associated with sexual harassment charges will be forwarded to the Township Solicitor for review and recommendations on an ongoing basis.

So RESOLVED this 5th day of January 2009.

THE BOARD OF SUPERVISORS
OF WAYNE TOWNSHIP
By: _____
Dennis Hall, Chairman/Supervisor

By: _____
Robert Abraham, Supervisor

By: _____
Charles Hutchison, Supervisor