

Discrimination, Harassment and Workplace Violence

315.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent Department members from being subjected to discrimination, harassment, including sexual harassment, workplace violence, and retaliation (Labor Law § 201-g). Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

315.1.1 DEFINITIONS

Definitions related to this policy include:

Departmental Designee(s) - The appointed representative(s) for investigating matters of sexual harassment and discrimination in the workplace. The Police Commissioner shall select the Departmental Designee(s) and provide written notice of same to all members of the Department. Where an Elected Official, Term Officer, Department Head, or the Appointing Authority or Departmental Designee(s) is alleged to have committed an act constituting sexual harassment, a Chief Deputy County Executive or designee shall act as a Departmental Designee and conduct the investigation. The Commanding Officer of the Police Academy Bureau, the Commanding Officer of the Logistics, Property and Facilities Management Bureau, the Lieutenant assigned to the Office of the Chief of Operations, and/or the Commanding Officer of the Domestic Violence and Elder Abuse Bureau are the Suffolk County Police Department's Departmental Designees.

Department Title VI Designee/Americans With Disabilities Act (ADA) Compliance Officer - The Police Commissioner shall select one of the Department Designees to coordinate the Departmental implementation and publication of the County's nondiscrimination policies in general and compliance with the specific nondiscrimination initiatives obligated by the Department's acceptance of Federal Financial Assistance. The appointed Departmental Title VI Designee shall also act as the DA Compliance Officer for the Department. This Designee shall oversee and monitor ADA/Rehabilitation Act compliance as part of their overall duties and assist qualified individuals with disabilities seeking reasonable accommodations or modifications. The Commanding Officer of the Police Academy Bureau is the Department's Title VI designee.

Other definitions applicable to this policy are contained in the Suffolk County Anti-Discrimination and Anti-Harassment Policy Statement, Suffolk County Policy Against Workplace Sexual Harassment, the Suffolk County Workplace Violence Policy, Suffolk County Standard Operating Procedure B-07 (Suffolk County SOP for Policy of Nondiscrimination and Service Discrimination Complaint Procedures), and Suffolk County Standard Operating Procedure B-08 (Suffolk County SOP for County Department Compliance with Laws Relating to Individuals with Disabilities).

315.2 POLICY

The Suffolk County Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discrimination, harassment,

Suffolk County Police Department

NY LE Policy Manual

Discrimination, Harassment and Workplace Violence

including sexual harassment, and retaliation. The Department will not tolerate discrimination against a member in recruitment, hiring, training, apprenticeship, promotion, demotion, transfer, layoff, termination, compensation, and other term or benefit of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

No employee shall explicitly or implicitly ridicule, mock, deride, harass or belittle any person, or make derogatory comments based upon a person's race, color, religion, age, sex, national origin, genetic information, sexual orientation, gender identity characteristics or expression, citizenship status, marital status, disability, military status, veteran status, status as a victim of domestic violence, income, limited English proficiency or any other legally protected status.

315.3 DISCRIMINATION AND HARASSMENT

Members of the Department shall abide by the Suffolk County Anti-Discrimination and Anti-Harassment Policy Statement and Suffolk County Standard Operating Procedure A-18B, Discrimination, Sexual Harassment and Civil Rights Internal Complaints Procedure. See [Suffolk County Anti-Discrimination and Anti-Harassment Policy Statement](#) . See [Suffolk County Standard Operating Procedure A-18B, Discrimination, Sexual Harassment and Civil Rights Internal Complaints Procedure](#) .

Each supervisor has the responsibility to assist any employee of this Department who comes to that supervisor with a complaint of discrimination. Accordingly,

- (a) No complaint of discrimination or sexual harassment shall be ignored or trivialized.
- (b) The supervisor should advise the employee to document the incident(s).
- (c) When an issue is identified, the supervisor shall contact a Department Designee who will then notify the Director of Labor Relations.
- (d) Supervisors shall assist the Departmental Designee(s), when requested or required, in investigations involving complaints of discrimination or sexual harassment.

315.3.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a Departmental Designee or the Suffolk County Office of Labor Relations.

315.3.2 SEXUAL HARASSMENT

Members of the Department shall abide by the Suffolk County Policy Against Workplace Sexual Harassment and Suffolk County Standard Operating Procedure A-19B, Sexual Harassment Regulations. See [Suffolk County Policy Against Workplace Sexual Harassment](#) . See [Suffolk County Standard Operating Procedure A-19B, Sexual Harassment Regulations](#) .

Every supervisor has the responsibility to assist any employee of this Department who comes to that supervisor with a complaint of sexual harassment. Accordingly,

- (a) No complaint of sexual harassment or discrimination shall be ignored or trivialized.

Suffolk County Police Department

NY LE Policy Manual

Discrimination, Harassment and Workplace Violence

- (b) The supervisor should advise the employee to document the incident(s).
- (c) Any supervisor who receives a complaint or information about suspected sexual harassment, or observes what may be sexually harassing behavior, or for any reason becomes aware of or suspects that sexual harassment is occurring or has occurred, is required to report that suspected sexual harassment to their Appointing Authority (Police Commissioner), Department Designee or Director of Labor Relations, irrespective of whether the affected individual files a complaint.
- (d) Supervisors shall assist the Departmental Designee(s), when requested or required, in investigations involving complaints of sexual harassment or discrimination.

315.3.3 WORKPLACE VIOLENCE

Members of the Department shall abide by the Suffolk County Workplace Violence Prevention Policy. See [Suffolk County Workplace Violence Prevention Policy](#) .

315.3.4 CONDUCT THAT MAY CONSTITUTE A VIOLATION OF CRIMINAL LAW

If conduct alleged in a discrimination, harassment, or workplace violence complaint may constitute a violation of criminal law, the Office of the Police Commissioner shall order appropriate criminal investigations and shall consult with the Suffolk County Office of Labor Relations as appropriate to coordinate investigations.

315.4 MITIGATION DURING INVESTIGATION OF COMPLAINTS

During the pendency of any such investigation, the supervisor of the involved member, in consultation with a Departmental Designee and/or the Suffolk County Office of Labor Relations as appropriate, should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment.

315.5 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation (Labor Law § 201-g). The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of, and understands its contents, and agrees to abide by its provisions during his/her term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the [Sexual Harassment and Discrimination Procedure Acknowledgement \(PDCS-5022a\)](#) that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions. The form shall be retained at the member's current command and shall be forwarded to the Personnel Section upon separation from employment. A Department Memorandum shall be issued annually to inform all members of the Department that they must sign and date the form for the year.

315.5.1 SEXUAL HARASSMENT PREVENTION TRAINING

All members should also participate annually in sexual harassment prevention training. The County should develop this training consistent with the sexual harassment prevention training

Suffolk County Police Department

NY LE Policy Manual

Discrimination, Harassment and Workplace Violence

program established by the Department of Labor and the Division of Human Rights (Labor Law § 201-g).

Each member should receive an additional written copy of this policy at each annual sexual harassment prevention training as well as information presented at the training in writing. The policy and information should be provided in English and in any primary language identified by each member (Labor Law § 201-g).

315.6 AVAILABILITY OF POLICY

This policy should be available in all work locations (Labor Law § 201-g).

315.7 REQUESTS FOR REASONABLE ACCOMMODATIONS OR MODIFICATIONS UNDER THE AMERICANS WITH DISABILITIES ACT

Requests that are received by the Department, (including Internal Affairs Bureau), shall be referred to the Department ADA Compliance Officer.

- (a) Any individual with a qualified disability seeking to participate in a Department program or service, or their representative, may request a reasonable accommodation.
- (b) Reasonable modifications may be made by the Department for readily apparent disabilities without a request for accommodation.
- (c) The ADA Compliance Officer shall provide persons seeking accommodation with the [County of Suffolk Voluntary Self-Identification of Employee Disability Status](#) and [Suffolk County Request for Reasonable Accommodation](#) forms and will assist the individual, where necessary, in completing the form.
- (d) All requests for accommodation must include:
 - 1. Name, address, telephone number and email address of the person requesting the accommodation.
 - 2. The specific limitation, type of accommodation requested and an explanation of how the accommodation will allow the performance of the essential functions of the position or the participation in Departmental programs or services.
 - 3. Verification of the disability by the requestor's physician, medical provider or vocational/rehabilitation counselor may be required. If medical verification is required, the ADA Compliance Officer shall then provide a [New York State Department of Health Authorization for Release of Health Information \(DOH-5032\)](#) and [Suffolk County Authorization for Limited Release of Medical Information](#) forms.
- (e) Every reasonable effort should be taken to ensure confidentiality in the review process.
- (f) The determination whether to provide an accommodation is made on a case-by-case basis.
- (g) The Department must make a reasonable effort to determine the appropriate accommodation. The Department has the discretion to choose between effective accommodations.

Suffolk County Police Department

NY LE Policy Manual

Discrimination, Harassment and Workplace Violence

- (h) If the request is approved, the ADA Compliance Officer shall notify the requestor and make, or cause to be made, the necessary implementation.
- (i) If the request is denied, the requestor may appeal to the Police Commissioner within thirty (30) calendar days from the date of notification by the Department. All appeals must be in writing.
- (j) The Police Commissioner shall review the matter in conjunction with the Director of the Office of People with Disabilities and inform all parties of his/her decision.
- (k) The decision of the Police Commissioner is the final internal appeal.

315.8 COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND OTHER NONDISCRIMINATION AUTHORITIES, INCLUDING LAWS RELATING TO INDIVIDUALS WITH DISABILITIES

The Department is committed to compliance with Title VI of the Civil Rights Act of 1964 and other relevant nondiscrimination authorities which create an obligation to ensure that the Department's programs and services do not discriminate on the basis of race, color, national origin, disability, gender (in the context of education), age, income level, or limited English proficiency.

Department members shall comply with [Suffolk County SOP B-07 \(Suffolk County SOP for Policy of Nondiscrimination in County Services and Service Discrimination Complaint Procedure \)](#) and [Suffolk County Standard Operating Procedure B-08 \(Suffolk County SOP for County Department Compliance with Laws Relating to Individuals with Disabilities\)](#) .

The Department is committed to compliance with Title II of the ADA of 1990 and Section 504 of the Rehabilitation Act of 1973.

The Department shall make reasonable accommodations to provide equal and meaningful opportunity to qualified individuals with disabilities. Individuals seeking reasonable accommodations or modifications shall be referred to the Department Title VI Designee/ Department ADA Compliance Officer (defined above). This Designee shall assist the requestor in the completion of paperwork when needed.

The Department shall ensure persons with limited English proficiency have meaningful access to all Department services and programs.

This section of this policy shall serve as the Department's roadmap to develop, implement and publicize the County/Department External Nondiscrimination plan.

The Department's external nondiscrimination plan shall consist of the Mission Statement, the Limited English Proficiency Services Policy, this policy, Suffolk County SOP B-07 (Suffolk County SOP for Policy of Nondiscrimination in County Services and Service Discrimination Complaint Procedures) and B-08 (Suffolk County SOP for County Department Compliance With Laws Relating to Individuals With Disabilities). Each of these documents shall be published on the Department's public website under the banner, "SCPD Nondiscrimination Plan," and shall be amended as required.

Suffolk County Police Department

NY LE Policy Manual

Discrimination, Harassment and Workplace Violence

315.8.1 TRAINING

The Department Designees shall receive training regarding the types of discrimination prohibited by Title VI and other relevant nondiscrimination authorities.

315.8.2 RESPONSIBILITIES

[DUTIES OF THE DEPARTMENT TITLE VI DESIGNEE/ADA COMPLIANCE](#)

[OFFICER](#)

[DEPARTMENTAL DESIGNEE REPORTING RESPONSIBILITIES](#)

[INTERNAL AFFAIRS BUREAU REPORTING RESPONSIBILITIES](#)

[POSTING OF SIGNAGE RELATING TO THE COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND OTHER NONDISCRIMINATION AUTHORITIES, INCLUDING LAWS RELATING TO INDIVIDUALS WITH DISABILITIES](#)

