

BOROUGH OF MT. OLIVER

RESOLUTION NO. 793-19

The Mt. Oliver Borough Council resolves to amend its Personnel Policies and Procedures Manual adopted July 15, 2013 by Resolution No. 627-13, by amending Paragraphs (1), (2) and (3) of Section 3.2.4, Complaint Procedures and Medical Examinations, to read in the form attached hereto.

This Resolution adopted by the Council of the Borough of Mt. Oliver at a duly assembled public meeting held on this 19th day of August, 2019.

ATTEST:

BOROUGH OF MT. OLIVER



Manager

By: 

Council President

3.2.4 Complaint Procedures and Medical Examinations

- (1) The Borough will accept, take seriously and investigate all complaints of violations of the Borough's Non-Discrimination Policy.
 - a. Any individual, whether applicant or employee, shall file any complaint of harassment or discrimination against a disabled individual, an individual who has asserted a disability, or an individual who is or has sought to aid or support a disabled applicant or employee to the Borough Manager. In the event it would be inappropriate to report such concerns to the Borough Manager, the report shall be made to the President of Borough Council.
 - b. All complaints shall be made in writing.
 - c. Supervisors shall immediately report to the Borough Manager or President of Borough Council, if appropriate, any harassment or other conduct prohibited by this policy which they have witnessed, which they have reason to suspect or which has been reported to them. In the event an employee reports an incident of harassment or other conduct prohibited by this policy to a supervisor, the supervisor shall instruct such employee to file a written complaint in accordance with this policy. The supervisor shall also immediately report the incident to the Borough Manager or President of Borough Council, if appropriate, in accordance with this Paragraph.
 - d. Any complaint received by the Borough Manager or Council President shall be immediately reported to the Borough Council.
- (2) The Borough will conduct a prompt, thorough and fair investigation. Upon completion of the investigation and review of the evidence, the Borough will make a determination as to whether the claim has been substantiated. If the Borough determines the harassment or discrimination is substantiated, it will take appropriate corrective action, up to and including discharge.
 - a. Investigations will be conducted so as to reasonably protect the privacy of the parties involved. However, the Borough cannot guarantee complete confidentiality. To protect employees reporting harassment or discrimination, any employee, including a supervisor, who discusses reports of harassment with individuals *who are not involved with the investigation or disciplinary process* is subject to discipline up to and including discharge.
 - b. An effective Non-Discrimination Policy requires the support and example of all Borough employees. Any Borough employee who engages in any form of illegal discrimination, harassment or retaliation, or who fails to cooperate with any Borough-sponsored investigation of discrimination, harassment or retaliation, may be severely sanctioned by suspension or dismissal. By the same token, Borough personnel who refuse to implement remedial measures, obstruct the remedial efforts of other Borough employees and/or retaliate against complainants or witnesses may be immediately sanctioned by suspension or dismissal.

- (3) Retaliation for engaging in any protected activity, such as reporting or protesting discrimination or harassment, or participating in any investigative proceeding initiated by the Borough, the Pennsylvania Human Relations Commission, or the U.S. Equal Employment Opportunity Commission, or participating in any court action regarding discrimination or harassment is strictly prohibited. It is the policy of the Borough that no employee will suffer reprisals or harassment for reporting violations of this policy or for participating in any subsequent investigation or litigation. No decisions regarding hiring, firing, promotion, demotion, pay, benefits, transfer, work assignment, title and job status will be made based on an employee's protected activity. Any incidents of further harassment or discrimination or any incidents of retaliation should be reported immediately to the Borough Manager, or if not appropriate to report such concerns to the Borough Manager, to the President of Borough Council.