



PA TURNPIKE COMMISSION POLICY

This is a statement of official Pennsylvania Turnpike Policy

NUMBER: 3.03

APPROVAL DATE: 08-14-2012

EFFECTIVE DATE: 08-29-2012

REVISED DATE: 08-21-2013

POLICY SUBJECT:

Sexual Harassment and
Sexual Discrimination

RESPONSIBLE DEPARTMENT:

Office of Diversity and Inclusion

A. PURPOSE:

Title VII of the Civil Rights Act of 1964 and Executive Order 2002-4, Prohibition of Sexual Harassment in the Commonwealth, dated May 3, 2002, prohibit sexual harassment and sex discrimination. It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex.

In accordance with Title VII, this policy is issued to reaffirm the policy and procedure(s) of the Pennsylvania Turnpike Commission on the issues of sexual harassment and sexual discrimination and to inform all personnel of their duties and responsibilities with regard to this subject.

B. SCOPE:

This policy letter applies to all employees of the Pennsylvania Turnpike Commission, at every level. It provides information and guidelines relating to the Commission's policy against sexual harassment and discrimination and procedures for reporting and handling complaints of violations of the policy.

C. GENERAL POLICY:

It is the policy of the Pennsylvania Turnpike Commission ("Commission") to provide an environment which is free of sexual harassment and discrimination. Sexual harassment and discrimination are prohibited by state and federal law as well as by the Commission's Equal Opportunity Policy. Sexual harassment or discrimination by any employee or non-employee, including any employee of a vendor or contractor, will not be tolerated. The Commission is committed to the proposition that its employees and others working at or visiting its facilities are entitled to be treated in a respectful, dignified and non-offensive manner.

It is a violation of Commission policy for any employee to sexually harass or discriminate against another employee, including an employee of the same sex, by:

1. engaging in sexually based verbal, non-verbal or physical conduct of an unwelcome or offensive nature; or

2. making unwelcome sexual advances or requests for sexual favors or other verbal, non-verbal or physical conduct of a sexual nature a condition (explicit or implicit) of an individual's employment;
3. making submission to or rejection of such conduct the basis for employment decisions affecting the individual; or
4. creating an intimidating, hostile or offensive working environment by such conduct; or
5. engaging in such conduct with the purpose or effect of unreasonably interfering with an individual's work performance; or
6. treating a person or class of persons unequally based on gender; or
7. denying employment opportunities or benefits to an individual because another individual has submitted to sexual advances or requests for sexual favors and has received employment opportunities and benefits in return (often referred to as third party sexual harassment).

It is also a violation of Commission policy for any employee to subject customers of or visitors to Commission facilities to sexual harassment or discrimination of any nature.

This policy is gender-neutral. That is, the policy refers to unwanted attention from: male employees to female employees, female employees to male employees, and same gender sexual harassment or discrimination.

D. DEFINITIONS:

1. The term **sexual harassment** does not refer to behavior or occasional compliments of socially acceptable nature. Rather, it refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others and that interferes with respectful interaction in the workplace. The terms sexual harassment and discrimination are used interchangeably for purposes of this policy.
2. The term **discrimination** as used in this policy refers only to sexual discrimination, not to any other form of discrimination such as race, age, national origin, etc.
3. The term **verbal harassment** or conduct includes, but is not limited to, sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions or threats.
4. The term **non-verbal harassment** or conduct includes, but is not limited to, sexually suggestive pictures or objects; graphic commentaries, written material or electronic communication; suggestive or insulting sounds; leering, whistling or obscene gestures.

5. The term **physical harassment** or conduct includes, but is not limited to, unwelcome touching, pinching, brushing the body, coerced sexual acts or assault.

E. PROCEDURES:

1. Any employee, including but not limited to a manager, supervisor, department head or director, who acts in violation of this policy shall be subject to discipline up to and including suspension or termination.
2. Supervisory personnel have the responsibility to insure that this policy is adhered to and shall take whatever action is necessary to insure that none of their subordinates engage in sexually harassing or discriminatory behavior.
3. Any employee who feels that he or she has been sexually harassed or discriminated against is encouraged to keep a record of the employee(s) involved; the time, date and place of the incident(s); the nature of the alleged harassment or discrimination; and the identity of any witness(es).
4. Any employee who feels that he or she has been sexually harassed or discriminated against, including but not limited to the conduct detailed in this policy, should immediately bring the problem to the attention of his or her immediate supervisor. An employee may also report the problem directly to the Office of Diversity and Inclusion.
5. Supervisory personnel will take all steps necessary to immediately address any alleged sexually harassing or discriminatory behavior by any of their subordinates when such behavior is brought to their attention, either officially or unofficially.
6. All complaints will be investigated in a timely and confidential manner. In no event will information concerning a complaint be released to a third party (except as required by the Pennsylvania Human Relations Commission, Equal Employment Opportunity Commission or as otherwise required by law). The Commission will use its best efforts to prevent discussion of the information outside the investigation and will instruct parties involved in the investigation not to discuss the matter.
7. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witness(es). Employees shall be guaranteed a fair and impartial investigation. All employees shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in an investigation.
8. If the investigation reveals that the complaint is valid, the Commission will timely address the policy violation and take appropriate disciplinary action necessary to prevent a recurrence, up to and including suspension or termination.
9. If the employee who complains of sexual harassment or discrimination is not satisfied with the response from his or her immediate supervisor, or if that supervisor is perceived to be involved in the sexually harassing or discriminatory behavior, the employee should bring the matter to the attention of the person who is next in line in the chain of command or to the Office of Diversity and Inclusion which will promptly investigate the complaint as set forth above.

Complaints may be filed with Diversity and Inclusion at:

The Pennsylvania Turnpike Commission
Office of Diversity and Inclusion
P.O. Box 67676
Harrisburg, Pennsylvania 17106
(717) 939-9551

(Within 90 days of incident)

The determination of the Office of Diversity and Inclusion shall represent the final decision of the Pennsylvania Turnpike Commission on the issue raised by the employee who complains of sexual harassment.

10. If any employee who complains of sexual harassment or discrimination is not satisfied with the results or recommendations of the Pennsylvania Turnpike Commission's internal findings, he or she may forward the complaint to the agencies listed below:

PA Human Relations Commission: (www.phrc.state.pa)

Harrisburg Regional Office
333 Market Street
Harrisburg, PA 17126-0333
(717) 787-9780 (Voice)
(717) 787-7279 (TTY)

Office Pittsburgh Regional Office
301 Fifth Avenue
Suite 390, Piatt Place
Pittsburgh, Pennsylvania 15222
(412) 565-5395 (Voice)
(412) 565-5711 (TTY)

Philadelphia Regional Office
110 North 8th Street
Suite 501
Philadelphia, Pennsylvania 19107
(215) 560-2496 (Voice)
(215) 560-3599 (TTY)

(Within 180 days of incident)

Equal Employment Opportunity Commission:

Philadelphia District Office
801 Market Street
Suite 1300
Philadelphia, PA 19107-3127
(800) 669-4000 (Voice)
(800) 669-6820 (TTY)

Pittsburgh Area Office
1000 Liberty Avenue
Suite 1112
Pittsburgh, PA 15222-4187
(800) 669-4000 (Voice)
(412) 395-5904 (TTY)

(Within 300 days of incident)

This Policy Letter supersedes all previous Policy Letters on this subject.