

**ORDINANCE NO. 2010-05**

**AN ORDINANCE ENACTING SECTION 1.06.1 OF THE  
PERSONNEL POLICIES AND PROCEDURES MANUAL FOR THE  
VILLAGE OF PERRY, OHIO, PROVIDING FOR A POLICY PROHIBITING SEXUAL  
HARRASSMENT IN THE WORKPLACE, PROVIDING FOR THE REPORTING OF SUCH  
CONDUCT AND DECLARING AN EMERGENCY**

**WHEREAS**, it has been determined to be in the best interest of the residents of the Village to provide a policy prohibiting sexual harassment in the workplace and to also provide a policy for the reporting and investigating of alleged sexual harassment by Village employees; and,

**WHEREAS**, it has been further determined that a policy to maintain a healthy work environment free from all forms of harassment and to provide procedures for reporting, and the resolution of complaints of harassment, sexual or otherwise is necessary to the proper administration and management of the Village work force; and,

**WHEREAS**, Council finds it in the best interest to enact same.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF PERRY,  
COUNTY OF LAKE AND STATE OF OHIO, AS FOLLOWS:**

**Section 1.** That Section 1.06.1 of the Personnel Policies and Procedures Manual For Perry Village, Ohio, establishing a policy to maintain a healthy work environment free from all forms of harassment and to provide procedures for reporting, and the resolution of complaints of harassment, sexual or otherwise is hereby enacted to read as follows:

SECTION 1.06 SEXUAL HARASSMENT

**PURPOSE**

The purpose of this policy is to maintain a healthy work environment free from all forms of harassment and to provide procedures for reporting, and the resolution of complaints of harassment, sexual or otherwise.

**DEFINITION**

Sexual Harassment – Sexual harassment is unwelcome explicit or implicit sexual advances, requests for sexual favors, and other verbal or physical conduct when:

- \* It is made a condition of employment,
- \* It affects the employee's employment status, or
- \* It interferes with the work environment through the creation of intimidating, hostile, or offensive work conditions.

Sexual harassment does not include the conduct or actions of supervisors/managers intended to provide employee discipline, performance evaluations, oral/written reprimands or other supervisory actions intended to promote positive performance.

Harassment other than sexual can be based on ethnic, gender, sexual orientation, country of birth, language, religious, or other factors.

**POLICY**

No employee shall explicitly or implicitly mock, threaten, intimidate, degrade, or insult any person. Every employee is responsible for assisting in preventing harassment. Any employee who harasses another employee may be subject to discipline, including termination.

**PROCEDURES**

Individuals who consider themselves to have been harassed in the workplace should report the matter immediately to their supervisor or department head.

The supervisor or department head shall immediately investigate the complaint and take any appropriate action. This shall include a review of this harassment policy with the offender and, if necessary, disciplinary action based upon the nature of the offense.

- \* Capricious and unfounded charges of harassment may be a cause for disciplinary action
- \* Refusal by a supervisor or department head to act in legitimate cases of harassment may be a cause for disciplinary action
- \* Retaliation against an employee for having complained about harassment may result in disciplinary action.
- \* The rights of all parties shall be protected and due process shall be observed in dealing with complaints of harassment. However, since the Law dictates that a thorough investigation of sexual harassment complaints must be undertaken, complete confidentiality cannot be promised.

**Section 2.** That all formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and all deliberations of this Council, or any of its Committees, which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 3.** That this Ordinance is hereby declared to be and is passed as an emergency measure, the emergency being the need for the efficient administration of Village affairs. Said Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Perry.

**WHEREFORE**, this Ordinance shall be in full force and effect immediately upon its passage by Council.

  
MAYOR

ADOPTED: May 13, 2010  
ATTEST: Iman L. Hafu  
CHIEF FISCAL OFFICER