



PERSONNEL POLICIES & PROCEDURES GUIDE

APPLIES TO: <input checked="" type="checkbox"/> Executives <input checked="" type="checkbox"/> Union <input checked="" type="checkbox"/> Management <input checked="" type="checkbox"/> Non-Union <input checked="" type="checkbox"/> Supervisors <input checked="" type="checkbox"/> OCT <input checked="" type="checkbox"/> Professionals <input checked="" type="checkbox"/> Operating		DISTRIBUTION:	SECTION: 203 PAGE 1 OF 6
EFFECTIVE: July 3, 2019	APPROVED:	Replaces EEO and Non-Discrimination/Harassment/Retaliation Policy of November 4, 2004	
POLICY		PROHIBITING DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORKPLACE	
		REV: 7/3/19	

1.0 POLICY

The New Jersey Turnpike Authority is committed to providing every Authority employee and prospective Authority employee with a work environment free from prohibited discrimination or harassment. Under this policy, forms of employment discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, service in the Armed Forces of the United States, or disability.

To achieve the goal of maintaining a work environment free from discrimination and harassment, the Authority strictly prohibits the conduct that is described in this policy. This is a zero-tolerance policy. This means that the state and its agencies reserve the right to take either disciplinary action, if appropriate, or other corrective action, to address any unacceptable conduct that violates this policy, regardless of whether the conduct satisfies the legal definition of discrimination or harassment.

2.0 APPLICABILITY

Prohibited discrimination/harassment undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale and interferes with work productivity. Thus, this policy applies to all employees and applicants for employment to the New Jersey Turnpike Authority. The Authority will not tolerate harassment or discrimination by anyone in the workplace including supervisors, co-workers, or persons doing business with the Authority. This policy also applies to both conduct that occurs in the workplace and conduct that occurs at any location which can be reasonably regarded as an extension of the workplace.

This policy also applies to third party harassment. Third party harassment is unwelcome behavior by a person or group of people who work outside of the control of the employer.

3.0 PROHIBITED CONDUCT

It is a violation of this policy to engage in any employment practice or procedure that treats an individual less favorably based upon any of the protected categories referred to above.



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This policy pertains to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, demotion, discipline, compensation, fringe benefits, working conditions and career development.

It is also a violation of this policy to use derogatory or demeaning references regarding a person's race, gender, age, religion, disability, affectional or sexual orientation, ethnic background, or any other protected category set forth above. A violation of this policy can occur even if there was no intent on the part of an individual to harass or demean another.

4.0 SEXUAL HARASSMENT

It is a violation of this policy to engage in sexual (or gender-based) harassment of any kind, including hostile work environment harassment, quid pro quo harassment, or same-sex harassment. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of prohibited behaviors that may constitute sexual harassment and are therefore a violation of this policy include, but are not limited to:

- Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body or impeding or blocking movement;
- Verbal, written or electronic sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mail, text messages, invitations, gestures or inappropriate comments about a person's clothing;



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- Visual contact, such as leering or staring at another's body; gesturing; displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily clad individuals; or displaying sexually suggestive material on a bulletin board, on a locker room wall, or on a screen saver;
- Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention;
- Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any employment practice such as performance evaluation or promotional opportunity; or
- Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

A. EMPLOYEE RESPONSIBILITIES

Any employee who believes that she or he has been subjected to any form of prohibited discrimination/harassment, or who witnesses others being subjected to such discrimination/harassment is encouraged to promptly report the incident(s) to a supervisor or directly to the Authority's Equal Employment Opportunity Officer or the Human Resources Department.

All employees are expected to cooperate with investigations undertaken pursuant to the complaint process. Failure to cooperate in an investigation may result in administrative and/or disciplinary action, up to and including termination of employment.

B. SUPERVISOR RESPONSIBILITIES

Supervisors shall make every effort to maintain a work environment that is free from any form of prohibited discrimination/harassment. Supervisors shall immediately refer allegations of prohibited discrimination/harassment to the Authority's Equal Employment Opportunity Office or the Human Resources Department. A supervisor's failure to comply with these requirements may result in administrative and/or disciplinary action, up to and including termination of employment. A supervisor is defined broadly to include any



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manager or other individual who has authority to control the work environment of any other staff member (for example, a project leader).

5.0 COMPLAINT PROCESS

Any individual who has been subjected to harassment or discrimination based upon membership in any of the above classes and/or because of any of the above reasons, or who has witnessed any incident of such harassment or discrimination, should report the matter without delay to any one of the following: his or her immediate supervisor, and/or the New Jersey Turnpike Authority Equal Employment Opportunity Office ("EEO Office"). Any supervisor who witnesses any incident of discrimination/harassment or who has received a complaint of discrimination/harassment shall immediately refer the matter to the EEO Office. Upon receiving a Complaint, an Investigator from the EEO Office will promptly and thoroughly investigate the matter. In some instances, it may become necessary for the Authority to appoint a non-employee, third party to investigate the matter.

The Complainant should be prepared to provide full and complete information regarding the incident. Based on the information provided, if appropriate, a written Statement of Complainant in the form of an Affidavit or Certification may be prepared and, if so, the Complainant will be asked to sign the document.

A similar investigation will be undertaken with the actor(s) alleged to have engaged in the conduct at issue. If appropriate, a statement in the form of an Affidavit or Certification may also be taken from that person. If appropriate, the Investigator may then discuss with each of the parties the information and responses obtained from each of them, if necessary, as well as other compiled evidence, in order to obtain any further pertinent information from the Complainant and the alleged actor(s). Other compiled evidence may include but is not limited to statements given by any witnesses identified by either the Complainant or alleged actor. All persons interviewed as a result of the Complaint shall be subject to the confidentiality requirements of this policy.

Thereafter, and based on all of the information obtained in the investigation, the Investigator will make a recommendation as to whether a determination that discrimination/harassment has occurred is warranted, and, if so, what the appropriate discipline or resolution should be. At the conclusion of the investigation, each of the parties



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involved will be advised of the determination of the Investigator and of the discipline, if any, to be imposed upon the actor. Any discipline or other action which may then be found appropriate will be promptly implemented.

6.0 PROHIBITION AGAINST RETALIATION

Retaliation against any employee who alleges that she or he was the victim of discrimination/harassment, provides information in the course of an investigation into claims of discrimination/harassment in the workplace, or opposes a discriminatory practice, is prohibited by this policy. No employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse employment consequences based upon such involvement or be the subject of other retaliation.

7.0 FALSE ACCUSATIONS AND INFORMATION

An employee who knowingly makes a false accusation of prohibited discrimination/harassment or knowingly provides false information in the course of an investigation of a complaint, may be subjected to administrative and/or disciplinary action, up to and including termination of employment. Complaints made in good faith, however, even if found to be unsubstantiated, shall not be considered a false accusation.

8.0 CONFIDENTIALITY

All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process. In the course of an investigation, it may be necessary to discuss the claims with the person(s) against whom the complaint was filed and other persons who may have relevant knowledge or who have a legitimate need to know about the matter. All persons interviewed, including witnesses, shall be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in administrative and/or disciplinary action, up to and including termination of employment.



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9.0 ADMINISTRATIVE AND/OR DISCIPLINARY ACTION

Any employee found to have violated any portion or portions of this policy may be subject to appropriate administrative and/or disciplinary action which may include, but which shall not be limited to: referral for training, referral for counseling, written or verbal reprimand, suspension, reassignment, demotion or termination of employment. Referral to another appropriate Authority for review for possible violation of State and Federal statutes may also be appropriate.

10. ALIGNED EMPLOYEES

To the extent there exists negotiated procedures to be followed regarding the Authority's Discrimination and Sexual Harassment Policy, the Authority will continue to honor those procedures and/or disciplinary consequences.