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# COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

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March 9, 2012

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, NY 14202

**Re: Issuance of Executive Order #007-009**

Dear Honorable Members:

Enclosed please find Executive Orders # 007-009, which I signed today, March 9, 2012.

As previously noted, I plan to issue Executive Orders and make them publicly available in an effort to keep the residents and taxpayers of Erie County—my bosses—informed of my actions when they do not require Legislative approval.

Should you have any further questions regarding this or any other matter, please do not hesitate to contact me. Thank you for your time and consideration of this matter.

Sincerely yours,

Mark C. Poloncarz  
Erie County Executive

MCP/mc

Enclosure

Cc: Honorable Timothy Howard, Erie County Sheriff  
Honorable Frank Sedita, Erie County District Attorney  
Honorable Chris Jacobs, Erie County Clerk  
Honorable David Shenk, Erie County Comptroller  
Erie County Fiscal Stability Authority

5E-4



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

## Executive Order # 007 Equal Employment Opportunity and Diversity

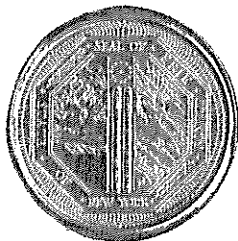
**WHEREAS**, Erie County is commitment to achieving the goal of an inclusive and discrimination-free work environment that complements our mission; and.

**WHEREAS**, this includes maintaining an atmosphere in which employment opportunities are open to all candidates and all employees feel welcome and their presence is valued.

**NOW, THEREFORE, I MARK C. POLONCARZ**, Erie County Executive, by virtue of the authority vested in me by the Erie County Charter Sections 301 & 302, do hereby order as follows:

1. It is ordered that hiring decisions must be made on the basis of merit, without regard to race, color, national origin, sex, religion, age, disability, genetic information, sexual orientation, gender identity and without reprisal for engaging in a prior protected activity; and it is,
2. Further ordered that in addition to our actions to eliminate employment barriers, we must make efforts to eliminate discrimination and harassment in any form in Erie County; and it is,
3. Further ordered that employees and applicants who believe they have been discriminated against may exercise their right by contacting the Division of Equal Employment Opportunity; and it is,
4. Further ordered that any manager or supervisor who discriminates or retaliates against an employee is subject to disciplinary action.

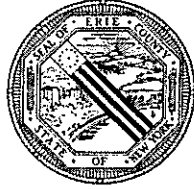
**GIVEN**, under my hand and the Privy Seal of the County of Erie in the City of Buffalo this ninth day of March, in the year two thousand twelve.



County of Erie

By:

Mark C. Poloncarz  
Erie County Executive



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

## Executive Order # 008

### Prevention of Sexual Harassment in Erie County Government

**WHEREAS**, sexual harassment is a form of sex discrimination and is an “unlawful employment practice” under Title VII of the Civil Rights Act of 1964, as amended;

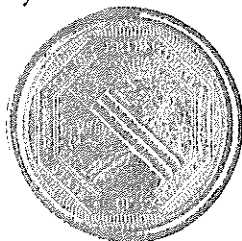
**WHEREAS**, it is also prohibited under the County of Erie Harassment Policy, which prohibits all forms of harassment which includes any unwelcome conduct, whether verbal, physical, or visual, that is based upon a person’s gender, race, color, national origin, ancestry, religion, creed, physical or mental disability, marital status, age, sexual orientation, genetic predisposition, or any other basis protected by federal, state, or local law; and

**WHEREAS**, sexual harassment can occur when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; (3) 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.

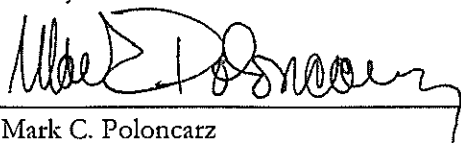
**NOW, THEREFORE, I MARK C. POLONCARZ**, Erie County Executive, by virtue of the authority vested in me by the Erie County Charter Sections 301 & 302, do hereby order as follows:

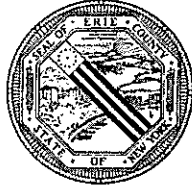
1. It is ordered that the policy of the County of Erie is that sexual harassment is unacceptable and will not be tolerated; and it is,
2. Further ordered that any employee who believes he or she is a victim of sexual harassment should report the allegation(s) to an appropriate county official, or contact the Division of Equal Employment Opportunity who will provide assistance and guidance; and it is,
3. Further ordered that it is the responsibility of management to investigate allegations of sexual harassment in a confidential manner and take necessary action to ensure that these allegations are addressed swiftly, fairly, and effectively; and it is,
4. Further ordered that managers and supervisors must be aware of what constitutes sexual harassment in order to explain sanctions for violations and must provide regular training sessions for all employees in the prevention of sexual harassment.

**GIVEN**, under my hand and the Privy Seal of the County of Erie in the City of Buffalo this ninth day of March, in the year two thousand twelve.



County of Erie

By:   
Mark C. Poloncarz  
Erie County Executive



# COUNTY OF ERIE

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## **Executive Order # 009 County Employee's Freedom From Reprisal**

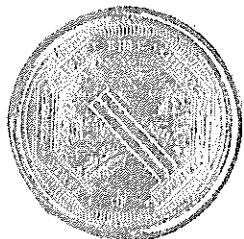
**WHEREAS**, reprisal for participation in the Equal Employment Opportunity ("EEO") process is prohibited by EEOC Regulation, 29 CFR 1614, which provides, "No person shall be subject to retaliation for opposing any practices made unlawfully by Title VII of the Civil Rights Act, the Age Discrimination Employment Act, the Equal Pay Act, or the Rehabilitation Act of 1973, or for participating in any stage of administrative or judicial proceedings under those statutes;" and,

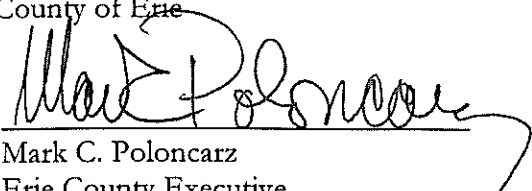
**WHEREAS**, reprisal, in addition to being illegal, has a negative effect on the productivity of work life, employee well-being and morale.

**NOW, THEREFORE, I MARK C. POLONCARZ**, Erie County Executive, by virtue of the authority vested in me by the Erie County Charter Sections 301 & 302, do hereby order as follows:

1. It is ordered that the policy of Erie County to ensure that employees are notified of their right to discrimination protection, which includes being free to use the EEO complaint process without fear of retribution; and it is,
2. Further ordered that supervisors and managers are expected to renew their commitment to respect employees' rights so that employees are empowered to report charges of discrimination without fear of reprisal; and it is,
3. Further ordered that any supervisor or manager who discriminates or retaliates against an employee is subject to disciplinary action; and it is,
4. Further ordered that any employee who wishes to file an EEO complaint of reprisal may contact the County of Erie, Division of Equal Employment Opportunity within 30 calendar days of the alleged occurrence(s) of retaliation discrimination.

**GIVEN**, under my hand and the Privy Seal of the County of Erie in the City of Buffalo this ninth day of March, in the year two thousand twelve.



County of Erie  
By:   
Mark C. Poloncarz  
Erie County Executive