

EXECUTIVE ORDER NO. 2 of 2024

WHEREAS, the County of Westchester provides equal opportunity to all individuals in personnel and employment practices and actively seeks to employ and advance qualified individuals indiscriminately; and

WHEREAS, the County prohibits discriminatory practices in all phases of employment in Westchester County government, including in all terms, benefits and conditions thereof. The County is committed to nondiscriminatory and appropriate policies and programs in the following employment practices, which shall include but are not limited to: Recruitment, Selection, Appointment, Placement, Classification, Compensation, Training, Promotion, Upward Mobility, Termination, Resignation, and Retirement; and

WHEREAS, the County maintains a zero tolerance policy towards all forms of harassment or discrimination toward its employees by co-workers, supervisors, vendors, contractors or others having a relationship with the County and prohibits any conduct that creates an intimidating, hostile or offensive work environment; and

WHEREAS, to further the County's commitment regarding equal employment opportunity, Executive Order No. 2-2009 entitled "Westchester County Equal Employment Opportunity Policy" was signed, filed and has remained effective since June, 2009; and

WHEREAS, to further the County's commitment regarding anti-harassment and discrimination in the workplace, Executive Order 3-2009 entitled "Westchester County Anti-Harassment and Discrimination Policy" was signed, filed and has remained effective since June, 2009; and

WHEREAS, this Executive Order prohibits discrimination on the basis of race, color, religion, age, national origin, alienage, citizenship status, ethnicity, marital status, familial status, creed, gender, sexual orientation, disability, military status, individuals with predisposing genetic characteristics or any other basis prohibited by law within the workplace; and

WHEREAS, a restructured Office of Equal Employment Opportunity/Affirmative Action has been moved from the Human Rights Commission to the Department of Human Resources;

NOW, THEREFORE, I, GEORGE LATIMER, County Executive of the County of Westchester, in light of the aforementioned, do hereby repeal Executive Order No. 2 of 2009 and Executive Order No. 3 of 2009 and direct that the following Equal Employment Opportunity and Anti-Discrimination policy be implemented immediately:

Westchester County
Equal Employment Opportunity and Anti-discrimination Policy

Article I. Statement of Policy

The County of Westchester provides equal opportunity to all individuals in its personnel and employment practices and maintains a zero tolerance policy towards all forms of harassment or discrimination in compliance with Federal and New York State Human Rights laws and its own policies.

The County provides equal employment opportunity and prohibits harassment and discrimination on the basis of race, color, religion, age, national origin, alienage, citizenship status, ethnicity, marital status, familial status, creed, gender, gender identity, gender expression, status of being transgender, sexual orientation, disability, military status, predisposing genetic characteristics or any other basis prohibited by law, (“protected characteristics”) towards its employees by co-workers, supervisors, vendors, contractors or others having a relationship with the county in all part-time, full-time, temporary or other employment practices including recruitment, selection, appointment, termination, promotion, compensation and other terms, conditions and privileges within County employment.

The County prohibits any conduct that creates an intimidating, hostile, or offensive work environment. Further, contractors doing business with the County are required to meet equal employment opportunity standards and ensure that none of its employees is subjected to any form of harassment or discrimination on the basis of a protected characteristic. The County intends to ensure compliance with this Executive Order and maintain a zero tolerance policy towards all forms of harassment or discrimination.

The County actively seeks to employ and advance qualified individuals, regardless of their protected characteristics. To this end, all County appointing authorities are directed to hire, recruit, transfer, and promote so as to reflect, in the County's workforce, the basic composition of the County's general labor force. The County monitors hiring, transfer, promotion, discharge and other personnel actions to identify and address instances of adverse impact caused by discriminatory practices. Additionally, the County examines its job specifications to eliminate unnecessary barriers to advancement on merit and fitness, and seeks the development of all members of the work force.

The County Executive has the ultimate authority and responsibility for enforcing Federal and State equal employment opportunity and anti-discrimination laws within County government and for ensuring that the objectives of the County Equal Employment Opportunity/ Anti-Discrimination Policy (“EEO/AD Policy”) are met.

Accordingly, the County Executive hereby establishes an Office of Equal Employment Office/Affirmative Action (“Office of EEO/AA”) within the Department of Human Resources. The Commissioner of Human Resources shall provide management oversight of the Office of EEO/AA and has the authority to develop, implement and enforce this policy.

Responsibility for overall coordination, implementation and administration of the County's EEO/AD Policy is vested with the Office of EEO /AA. The Office of EEO/AA has the authority to investigate complaints and draft Final Fact Finding Determinations and Recommendations which are not subject to appeal. The Office of EEO/AA will also ensure that all Federal and State Equal Employment Opportunity reporting requirements are complied with in a timely fashion.

If an allegation of discrimination is made by or about an employee in the Office of EEO/AA, the allegation will be investigated by an official to be designated by the Commissioner of the Department of Human Resources. If an allegation of discrimination is made by or about the Commissioner of the Department of Human Resources, the allegation will be investigated by an official to be designated by the Office of the County Executive.

Each Appointing Authority shall name and keep an EEO Compliance Officer for their department. The Office of EEO/AA shall mandate annual EEO Compliance Officer Training as well as other trainings. EEO Compliance Officers shall prepare an annual Affirmative Action Plan and help collect information for the biannual EEO-4 State and Local Government Survey.

If a complainant alleges harassing or discriminatory behavior to a supervisor, or if a supervisor independently observes such behavior, the supervisor shall promptly report this information to the Office of EEO/AA within three (3) business days. Failure to do so may result in disciplinary action against said supervisor.

Any employee who is found to have committed an act of discrimination or harassment may be subject to corrective or disciplinary action up to and including termination.

In the event that the final Fact-Finding Determination issued by the Office of EEO/AA includes a recommendation that disciplinary or other corrective action be taken, then the Appointing Authority shall independently determine if disciplinary action or some other corrective action is appropriate and notify the Office of EEO/AA accordingly.

Article II General Anti-Discrimination and Harassment Protections

Section 1. Sexual Harassment. Prohibited Practices: Sexual Harassment or harassment or discrimination on the basis of gender, gender identity, gender expression, the status of being transgender or sexual orientation is strictly prohibited. The Westchester County Sexual Harassment Prevention Policy is contained in Executive Order 11 of 2018.

Section 2. Non-Sexual Harassment and Discrimination. Prohibited Practices: Westchester County prohibits all forms of harassment and discrimination, including, but not limited to, the following areas:

1. Harassment, discrimination, or hostile work environment on the basis of protected characteristics or any other basis protected by law;
2. Retaliation against an individual for filing a charge of discrimination, participating in an investigation, or reporting discriminatory practices;
3. Employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of members of a protected class or on any other basis prohibited by law;
4. Denying employment opportunities to a person because of marriage to, or association with, a member of a protected class or on any other basis prohibited by law;
5. Failure to reasonably accommodate the disability of an otherwise qualified employee or prospective employee, unless doing so would impose an undue hardship on the County;
6. Failure to reasonably accommodate the religious belief of an employee or prospective employee, unless doing so would impose an undue hardship on the conduct of the business of the County.

RESOLVED that this Executive Order shall supersede Executive Orders 2 and 3 of 2009. It shall be effective immediately, be disseminated to all employees, and shall remain in full force and effect until otherwise superseded or revoked.



GEORGE LATIMER

County Executive

Dated: February 28, 2024

White Plains, New York