

EXECUTIVE ORDER: NO. 41
EFFECTIVE DATE: APRIL 14, 1989
SUBJECT: METRO'S COMMITMENT TO ENSURE A POSITIVE AND PRODUCTIVE WORK ENVIRONMENT FREE FROM HARASSMENT, TO DEFINE AND CLARIFY CONDUCT THAT CONSTITUTES SEXUAL HARASSMENT, AND TO PROVIDE AN EFFECTIVE COMPLAINT PROCEDURE.

Metro has a commitment to maintain high standards of honesty and integrity and to provide a work environment for all employees that is free from unsolicited and unwelcome sexual overtures or other harassment.

Metro shall not condone or tolerate prejudicial remarks, actions slurs and jokes in the workplace that are offensive to handicapped persons; racial minority persons; the aged; persons of certain religious preferences, national origin, or sexual orientation.

Sexual harassment is unacceptable and illegal behavior which decreases morale, affects productivity, and creates a harmful work environment. All employees are expected to use good judgment in their working relationships. No employee shall be subjected to deliberate or repeated unsolicited verbal comments, gestures, or physical contact of sexual nature, that is offensive, hostile, or intimidating. Any Metro employee who uses implicit or explicit coercive sexual behavior to threaten, influence, or affect the career, salary, or work environment of another Metro employee is engaging in sexual harassment. This is misconduct and will not be tolerated. Management will investigate all reported incidents of sexual harassment and will deal with each one on an individual basis.

Metro will provide each employee the opportunity to resolve complaints of any harassment through the grievance procedure without fear or reprisal. Any employee found to have engaged in sexual harassment will be subject to disciplinary action up to and including dismissal.

DEFINITION*

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when :

* Equal Employment Opportunity Commission (EEOC) Code of Federal Regulations (CFR) Section 1604.11, Sexual Harassment.

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 such individuals; or
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.

CLARIFICATION GUIDELINES

1. To assist employees in identifying sexually harassing behavior, the following examples are provided (these examples are not intended as all inclusive):
 - propositions in exchange for a job promotion, favorable performance appraisal, work assignments, etc;
 - sexual innuendoes;
 - jokes and pranks about sex or gender-specific traits;
 - whistling and obscene gestures; and
 - touching, pinching, etc.
2. According to the Equal Employment Opportunity Commission, Metro is potentially liable for sexual harassment under certain situations. Metro may be responsible for three primary situations:
 - a. If the offense is committed by a supervisor or other management employees, Metro may be responsible regardless of whether the specific acts complained about were authorized or even forbidden by Metro, and regardless whether Metro knew or should have know of their occurrence.
 - b. With respect to conduct between co-workers, Metro may be responsible for acts of sexual harassment in the workplace where management or supervisory employees know or should have know of the conduct, unless it can be shown that they took immediate and appropriate corrective action.

- c. Metro also may be responsible for the acts of non-employees, where management or supervisory employees knew or should have known of the conduct and failed to take immediate and appropriate corrective action. In reviewing such cases, enforcement agencies and the Court will consider the extent of Metro's control and any other legal responsibility with respect to the conduct of non-employees.
3. Supervisors have a key role in carrying out this policy:
- a. Supervisors must demonstrate by their own conduct that they support and enforce Metro's policy;
 - b. They must be alert to possible incidents of harassment and must take prompt action should a problem develop; and
 - c. Supervisors are expected to communicate this policy to their subordinates and to provide leadership in carrying out its intent.

COMPLAINT PROCEDURE

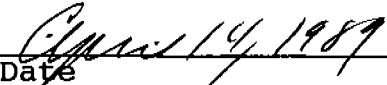
Any employee subjected to sexual harassment from any other employee or non-employee is encouraged to first inform the offending individual of the behavior and request that it cease. Second, the employee should report the incident to the immediate supervisor. If the complainant does not feel comfortable discussing the matter with the immediate supervisor, the employee may contact, directly, a higher level supervisor or the Personnel Manager.

Formal complaints may be filed in accordance with the grievance procedures specified in the Metro Code, the Metropolitan Exposition-Recreation Commission Personnel Policies, or the appropriate collective bargaining agreement.

Employees who observe or who are aware of situations involving sexual harassment should immediately notify their supervisor or the Personnel Manager.



Rena Cusma, Executive Officer



Date



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: April 14, 1989
To: All Metro Employees
From: Rena Cusma, Executive Officer
Regarding: Executive Order No. 41

Enclosed is a copy of Executive Order No. 41.

The purpose of this Executive Order is to ensure a positive and productive work environment free from harassment. The order defines and clarifies conduct that constitutes sexual harassment and provides an effective complaint procedure.

Please contact the Personnel Division if there are questions concerning this policy and its enforcement.