Zero Tolerance Policy

Sexual Harassment

Sexual harassment is a form of sex discrimination and is an "unlawful employment practice" under Title VII of the 1964 Civil Rights Act. It is illegal when it is part of a manager's or supervisor's decision to hire or fire someone; when it is used to make other employment decision such as pay, promotion, or job assignment; when it interferes with the employee's work performance; or when it creates an intimidating, hostile, or offensive work environment.

Sexual harassment is defined as deliberate or repeated behavior of a sexual nature which is unwelcome. The following are examples, they are not meant to be all inclusive.

- Physical Contact: Unwelcome touching; physical behavior such as pats or squeezes, such as squeezing a worker's shoulders or putting a hand around his or her waist; repeated brushing against someone's body; standing too close; suggestive looks or leering; inappropriate or threatening staring or glaring, obscene, threatening, or offensive gestures.

- Verbal or Written Conduct: Unwanted sexual comments, or pressure for sexual favors; inappropriate references to body parts; derogatory or demeaning comments, jokes, or personal questions; sexual innuendoes; catcalls; whistles, sexually suggestive sounds; questionable compliments, such as "Nice legs!" "You look hot in that outfit!" (Compliments like these can make individuals feel uncomfortable or worse. Even if the person who received the "compliment" is not disturbed by it others may be); terms of endearment, such as calling a co-worker "honey," "dear," "sweetheart," or some similar expression. (The effect is the primary issue rather than intent. Even if the person "means nothing to you" or you have "used the term for years" you should be aware that such expressions are inappropriate.)

- Visual or Symbolic Conduct: Display of nude pictures, scantily-clad, or offensively-clad people; display of offensive, threatening, demeaning, or derogatory symbols, drawings, cartoons, or other graphics; offensive T-shirts, coffee mugs, bumper stickers, or other articles; gestures, such as puckering one's lips suggestively or making obscene signs with one's fingers or hands.

Sexual harassment negatively affects morale, motivation, and job performance. It results in increased absenteeism, turnover, inefficiency, and loss of productivity. It is inappropriate, offensive, and **IT WILL NOT BE TOLERATED**.

Employees who experience sexual harassment should immediately contact a supervisor, manager, EEO Counselor, or the EEO Manager. Sexual Harassment Hotline: 1-800-208-0328 or 202-219-0138.

Complaints and cases of sexual harassment will be dealt with promptly. An employee who sexually harasses another employee will be disciplined as in any other case of serious employee misconduct.

/s/ Howard A. Lemm _____ June 28, 2006

Howard A. Lemm, Acting State Director Date

Zero Tolerance Policy

Equal Opportunity and Zero Tolerance of Discrimination

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination based on race, color, religion, sex (whether or not of a sexual nature), national origin, or reprisal. The Age Discrimination in Employment Act prohibits age discrimination, and the Rehabilitation Act prohibits discrimination of a person with a disability/handicap. Executive Orders prohibit discrimination based on sexual orientation, parental status, and genetic disposition.

The Equal Employment Opportunity Commission (EEOC) has always taken the position that the same basic standards apply to all types of prohibited harassment.

It is the policy of the BLM to provide equal opportunity in employment and advancement of all people without regard to race, color, religion, sex, national origin, age or disability. In addition, any employee who participates in the discrimination complaint process can be assured that he/she will be free of any reprisal.

Further, it is the BLM's policy to have **Zero Tolerance** for unlawful discriminatory harassment. Any employee found to have violated the BLM's zero tolerance policy shall be subject to letters of reprimand, suspensions, or other appropriate disciplinary actions up to and including dismissal.

Recently the U.S. Supreme Court made clear that employers are subject to vicarious liability for unlawful harassment by supervisors. The ruling of the Supreme Court regarding vicarious liability applies to harassment by supervisors based on one of the protected categories.

An employer may be held liable for harassment between co-workers if an agent of the employer (i.e., supervisors and managers) knew or should have known of the misconduct, unless the employer can show that he/she took immediate and appropriate corrective action. The same is true in the case of non-employees, but the employer's control over such individuals' misconduct has to be considered.

An individual qualifies as an employee's **supervisor** if (a) the individual has authority to undertake or recommend tangible employment decisions affecting the employee, or (b) the individual has authority to direct the employees daily work activities.

Individuals who believe they are being harassed should take advantage of BLM's preventative or corrective opportunities, or otherwise avoid harm. Examples of how to do this are: (1) Identify and communicate the unwelcome behavior to the harasser and ask the person to stop; and/or (2) tell a manager or supervisor about the specific incident(s); and/or (3) contact the EEO Manager or a Counselor named on the attached list.

If you have reason to believe you have been subjected to a discriminatory practice, including harassment, which adversely affects your employment opportunities, you must report it within 45 calendar days to your supervisor or an EEO official. Procedures for processing individual complaints of discrimination are attached.

/s/ Howard A. Lemm — June 28, 2006

Howard A. Lemm, Acting State Director — Date