

# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 7 ]

[ EXECUTIVE ORDER NO. 2021-04 ]

#### Prohibition of Sexual Harassment in the Commonwealth

June 15, 2021

*Whereas*, sexual harassment is a form of discrimination that undermines the integrity of the employment relationship and/or service delivery; and

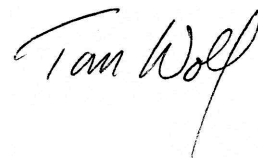
*Whereas*, the Commonwealth of Pennsylvania, Pennsylvania's largest employer, has an obligation to assertively address sexual harassment issues in the workplace; and

*Whereas*, sexual harassment shall not be tolerated in Commonwealth workplaces or when conducting the business of the Commonwealth under any circumstances; and

*Whereas*, this Administration is committed to providing a work environment where employees, applicants for employment, or individuals receiving services from the Commonwealth shall not be subjected to sexual harassment; and

*Whereas*, to prevent sexual harassment in the conduct of the business of the Commonwealth, all managers, supervisors, and employees must be made aware of the Commonwealth's sexual harassment policy, the steps to take when concerns arise, and our commitment to address instances of sexual harassment aggressively and equitably.

*Now, Therefore*, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby adopt and affirm the Commonwealth's sexual harassment policy.



Governor

**Fiscal Note:** GOV-2021-04. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 7. MISCELLANEOUS PROVISIONS

#### Subchapter NN. (Reserved)

§§ 7.591—7.601. (Reserved).

#### Subchapter CCC. PROHIBITION OF SEXUAL HARASSMENT IN THE COMMONWEALTH

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**7.881. Prohibition.**

A department, board, office, commission or other agency under the Governor's jurisdiction may not tolerate sexual harassment by a Commonwealth employee against another employee, applicant for employment, contractor, intern or client or other person receiving services from or conducting business with the Commonwealth. Sexual harassment while conducting the business of the Commonwealth is strictly forbidden. Further, a department, board, office, commission or other agency under the Governor's jurisdiction may not tolerate acts of sexual harassment by individuals not employed by the Commonwealth within Commonwealth offices or upon employees of the Commonwealth in the performance of their duties. Sexual harassment is a violation of Federal and State law. Therefore, all Federal and State laws relating to sexual harassment or sex discrimination, or both, shall be enforced.

**7.882. Prohibited actions.**

(a) Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal, visual or physical conduct of a sexual nature, if:

(1) Submission to or rejection of the conduct is made either explicitly or implicitly a term or condition of an individual's employment or receipt of public services; or

(2) Submission to or rejection of the conduct by an individual is used as a basis for decisions affecting the individuals; or

(3) The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or receipt of public services, or creating an intimidating, hostile or offensive work environment.

(b) Prohibited sexual harassment may include actions by members of the opposite sex of an employee as well as members of an employee's own sex. Prohibited sexual harassment may include actions which are overtly sexual or facially neutral if those actions constitute gender, gender identity, gender expression or sexual orientation-based discrimination. Prohibited sexual harassment may include unwanted or unwelcome discussion of an individual's sexual activity or history, sexual orientation or gender identity or gender expression.

**7.883. Disciplinary action.**

A Commonwealth employee who engages in or knowingly permits or condones sexual harassment during the course of conducting their Commonwealth duties shall be subject to disciplinary action, up to and including dismissal.

**7.884. Retaliation.**

Retaliation in any form against an individual who exercises their right to make a good faith complaint under this policy or who cooperates in an investigation of any complaint is strictly prohibited and shall itself be cause for appropriate disciplinary action.

**7.885. Education.**

Commonwealth employees shall be educated in sexual harassment issues. Education may consist of written materials, formal training, educational videos, orientation sessions, workplace discussions or individual counseling. Commonwealth employees shall be provided with a copy of this policy and must sign an acknowledgement that they have received and reviewed the policy.

**7.886. Workplace environment.**

Agency heads shall create a respectful and safe workplace environment which encourages discussion of sexual harassment issues, where employees are educated in sexual harassment prevention and sensitized to sexual harassment and where an individual with sexual harassment questions or complaints is provided with a response which is clear, impartial and timely.

**7.887. Complaint mechanism.**

The Secretary of Administration shall require each agency to have an effective complaint mechanism which ensures that an employee does not have to complain to the alleged harasser, and which provides for prompt and effective investigation of complaints. The Secretary of Administration shall also have the authority to issue Management Directives and establish rules necessary to carry out the mandates of this subchapter.

**7.888. Oversight and resolution of complaints and appeals.**

The Office of Administration, Bureau of Equal Employment Opportunity, shall provide appropriate oversight and resolution of complaints.

**7.889. Commonwealth policy.**

This subchapter and Management Directive 505.30, Prohibition of Sexual Harassment in Commonwealth Work Settings, constitute the Commonwealth's sexual harassment policy.

**7.890. Cooperation by State agencies.**

Commonwealth departments, boards, offices, commissions and other agencies under the Governor's jurisdiction shall cooperate fully with the Secretary of Administration and provide assistance and information, as needed, in the implementation of this subchapter.

**7.891. Effective date.**

This subchapter shall take effect immediately.

**7.892. Rescission.**

Executive Order 2002-04, Prohibition of Sexual Harassment in the Commonwealth, is rescinded.

[Pa.B. Doc. No. 21-1037. Filed for public inspection July 2, 2021, 9:00 a.m.]