

## 4.4 Harassment (Including Sexual Harassment)

*(Amended March 26, 2013)*

### I. OBJECTIVE

The County is committed to maintaining a working environment for employees (including applicants and County volunteers) that is free from any form of harassment, including sexual harassment. This policy applies to all County employees and County volunteers.

### II. DIRECTIVES

- A. The term Harassment includes, but is not limited to, slurs, jokes, epithets, negative stereotyping, threats, intimidation, hostile acts; denigrating or hostile written or graphic material posted or circulated in the workplace or; any other graphic or physical conduct relating to an individual's race, color, age, gender (including pregnancy status), religious creed, national origin, disability status, marital status, genetic information or any other status protected by applicable law.
- B. Any form of harassment, including sexual harassment, related to the race, color, age, gender (including pregnancy status), religious creed, national origin, disability status, marital status, genetic information or any other status protected by applicable law shall not be tolerated.
- C. The term sexual harassment includes, but is not limited to, verbal statements such as jokes, innuendo, intimidation and/or physical conduct of a sexual nature; unwelcome sexual advances, propositions and/or innuendos that create hostile working conditions; display in the workplace of sexually suggestive or explicit objects, pictures or drawings and/or denigrating written or graphic material posted or circulated in the workplace; and any other graphic or physical conduct relating to a person's gender.

Verbal statements or physical conduct of a sexual nature is unlawful if such behavior creates a hostile or offensive environment, or submission to such conduct is either explicitly or implicitly made a term or condition of employment or a basis of any employment decision affecting the individual.

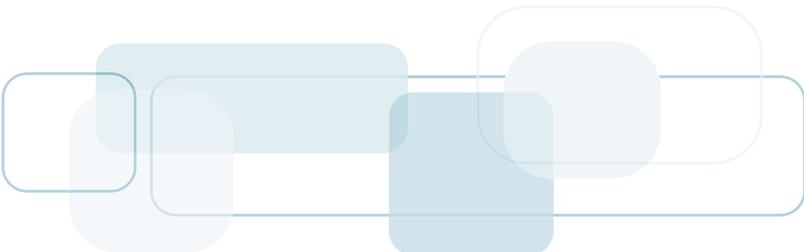
D. The County does not condone harassment of its employees in connection with their work by non-employees (e.g., general public, vendors, and customers.)

E. Reporting

An employee who feels that they are being harassed by any other employee or non-employee, or any employee who becomes aware of any harassment of an employee should at once report the alleged act to any one or more of the following: his/her immediate Supervisor, the Human Resources Director, any Department Director, County Manager, Deputy County Manager, or the County Attorney.

Employees should not assume that the County is aware of any employee harassment problems. Employees should immediately bring all complaints and concerns to the County's attention so that the concerns can be resolved. Employees will not be penalized in any way for making a report, in good faith, under this policy and procedure.

The Human Resources Director, County Manager, and County Attorney shall be notified of all harassment complaints unless



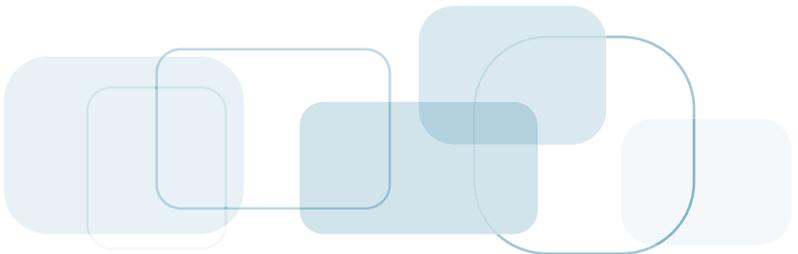
the complaint involves the Human Resources Director, County Manager, or County Attorney. The matter will be thoroughly investigated, and when appropriate, corrective action will be taken. It is emphasized that employees are not required to file a complaint first with their Supervisor.

#### F. Retaliation

No management personnel, supervisor or other employee shall place an employee at a disadvantage or retaliate against an employee for having reported a complaint of harassment under this policy. Employees must report retaliatory actions directly to the Human Resources Director, County Manager, or County Attorney as soon as possible after the incident occurs, then follow up with a written statement. Any retaliation exhibited by or directed toward management, supervisors, or other employees will result in corrective action, up to and including termination.

#### G. Investigation and Confidentiality

Employees who become aware of any harassment of an employee by another employee or a non-employee should report such harassment to their Supervisor, Human Resources Director, any Department Director, County Manager, Deputy County Manager, or County Attorney who shall be responsible for investigating all such incidents. Appropriate action will be taken to remedy the situation.



All complaints of harassment will be given a full, impartial and timely investigation and the employee will be advised of the findings. During such investigation, every effort will be made to protect the privacy rights of all parties, although confidentiality cannot be guaranteed.

#### H. Corrective Action

Any employee who is determined, after appropriate investigation, to have engaged in harassment of another employee will be subject to appropriate corrective action, up to and including termination.

False accusations regarding harassment will not be tolerated, and any person knowingly making a false accusation will be subject to corrective action, up to and including termination.

#### I. Maintenance of Records and Documents

Human Resources shall maintain records and documentation related to this policy, including documents related to procedures for hiring, screening, employee code of conduct, training, acknowledgement forms, incident reporting and disciplinary action under the BCC.

*See the following federal laws for additional guidelines: Title VII of the Civil Rights Act of 1964 (Title VII), The Equal Pay Act of 1963 (EPA), The Age Discrimination in Employment Act of 1967 (ADEA), Title I and Title V of the Americans with Disabilities Act of 1990 (ADA), ADA Amendments Act of 2008, Genetic Information Nondiscrimination Act of 2008 (GINA), and The Civil Rights Act of 1991.*