

Section 11. Harassment/Sexual Harassment

Harassment is defined as any physical or verbal conduct demonstrating hostility toward a person because of his or her age, sex, race, color, religion, national origin, disability, veteran or military status or other “legally protected status” that has the purpose or effect of creating an intimidating, hostile, or offensive work environment or interferes with an individual’s work performance or otherwise adversely affects an individual’s employment opportunities. Harassing conduct includes, but is not limited to: epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to age, sex, race, color, religion, national origin, age, disability, or political affiliation. Written or graphic material that denigrates or indicates hostility or aversion toward an individual or group is prohibited from display on the employer’s premises, or circulation in the workplace.

Harassment does not include the conduct or actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote positive performance.

It is the policy of the County that harassment will not be tolerated. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in the connection with employment. The desired standard of employee behavior is one of cooperation and respect for each other, despite any differences.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical advances of a sexual nature. It is County policy to fully support enforcement of State and Federal anti-discrimination laws which provide that sexual harassment is prohibited where (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals (quid pro quo); or (3) Such conduct has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment. It is the right of all employees to seek, at any time, redress by the State Human Rights Commission, the Equal Employment Opportunity Commission, or through a court of law; however, employees are encouraged to exhaust the County’s Administrative remedies before consulting outside agencies.

Procedures in case of report of harassment: (1) In any case in which the supervisor is witness to or confronted with a situation of harassment, the supervisor shall immediately document and notify the offending party that harassment is not appropriate and will not be tolerated. Ultimate disciplinary action will await completion of the procedure. (2) An employee subjected to any form of harassment should report such activity in writing to his/her non-involved supervisor, department head, or directly to the Human Resources Office. (3) A supervisor is required to report harassment cases in writing to his/her department head, who in turn, is required to report the matter in writing to the Human Resources Office. Such reports to superiors and to the Human Resources Office are to be made in writing regardless of how knowledge of the case was acquired. (4) The Human Resources Manager, County Manager, or County Manager’s designee shall investigate and submit a written report setting forth the facts of the case and a

recommendation for action. (5) The results of the investigation and the nature of the disciplinary action will be communicated in writing by the Human Resource Office or County Manager's Office to both the complainant and the offender as well as the affected department head. Either party may appeal the decision in writing through the normal grievance procedure if it is felt the findings were incorrect or the disciplinary action inappropriate.

Any employee who harasses another employee or member of the public may be subject to the full range of disciplinary action, including discharge.

Due to the potential for difficulties arising from intimate relationships between supervisors and subordinates, dating of supervisors and subordinates is not allowed. Dating between two members of the same department is discouraged, but is not prohibited. If a person with supervisory authority wishes to establish an intimate relationship with someone who is their subordinate, either the supervisor or the subordinate must transfer to a different department or tender a resignation. This policy shall not be retroactive, but will be adhered to going forward.

What Does Harassment Sound Like?

Joking or teasing of a hostile or sexual nature

Misogyny/Misandry

Derogatory language

Innuendoes and off-color remarks

Comments about how someone looks especially about parts of the body

Catcalls, whistles, forms of address: honey, babe, etc

Pressure for dates

Verbal threats to harm self or others

Most of the time it is what we say that gets us into trouble.



EAN

employee assistance network



What Does Harassment Look Like?

Presence of sexual, demeaning or violent visual material such as pinups, cartoons, graffiti, computer programs, catalogs of a sexual nature or promoting hate of certain groups of people

Written material that is sexual or hateful in nature such as notes or emails containing sexual, demeaning, threatening or violent comments

Staring, leering or "elevator eyes"

Written threats to harm self or others (emails, texts, etc)

Intimidating looks, gestures or behaviors

Acts of intimidation

What Does Harassment Feel Like?

Unwelcome hugging, sexual touching or kissing

Pinching, grabbing, pushing

Standing too close or brushing against another person

Cornering, trapping, or blocking a person's pathway

Rape or attempted rape

Assault – sexual or violent