

Policy on Sexual Harassment

Purpose

It is the purpose of this policy to create a work environment free of sexual harassment and to sensitize employees to the issue of sexual harassment. The policy was prepared in accordance with the Equal Employment Opportunity Commission's Rules and Regulations, 29 CFR Part 1604, and reaffirms that sexual harassment in the workplace is an unlawful employment practice under Title VII of the Civil Rights Act of 1964 as amended.

Applicability

This policy is applicable to all County employees.

General

The Equal Employment Opportunity Commission's Rules and Regulations provide that harassment on the basis of sex is a violation of Title VII, Section 703 of the Civil Rights Act of 1964 as amended. More specifically, Section 1604.11 of the Rules of the Equal Employment Opportunity Commission set forth criteria for determining whether behavior constitutes sexual harassment. The criteria are as follows:

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

1. Submission to the conduct is either an explicit or implicit term or condition of employment;
2. Submission to or rejection of the conduct is used as the basis for employment decisions affecting the person who did the submitting or rejecting; or
3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment."

For the purpose of this policy, sexual harassment is defined as unsolicited, non-reciprocal behavior by an employee who is in a position to control or affect another employee's job out of fear that he or she would be punished for refusal to submit. Sexual harassment also includes any employee conduct unreasonably interfering with another employee's work performance by creating an intimidating, hostile or offensive working environment.

Sexual harassment may consist of a variety of behaviors by a County employee directed to employees but not limited to, subtle pressures for sexual activity, inappropriate touching, inappropriate language (sexual jokes), demands for sexual favors, posting of sexually graphic material and physical assault.

Employee's Responsibilities

An employee who perceives the comments, gestures or actions of another employee or supervisor to be sexually harassing should communicate to that person that such behavior is unwelcome. However, failure to express unwelcomeness does not prevent the employee from filing a complaint nor does it in any way exonerate the harasser. Any employee, including a supervisor, who believes he or she has been sexually harassed or asked to perform a sexual favor should immediately report the incident to his/her immediate supervisor. If the harasser is the employee's supervisor or if the employee does not feel that the situation was adequately resolved, he or she should report the incident(s) to the Labor Relations Manager or the Employment Manager located in the Human Resources Department, by filing a written complaint on forms provided by the employer.

Any employee who witnesses this type of behavior has a responsibility to report it to an appropriate supervisor. If the harasser is an employee's immediate supervisor, the witness should support the harassed employee in reporting the incident to another supervisor or to the Labor Relations Manager or the Employment Manager located in the Human Resources Department.

Supervisor's Responsibilities

A supervisor must listen to the complaint and regard it seriously. A supervisor should not shrug off the complaint, minimize it or otherwise discourage employees from reporting such complaint. The supervisor shall record and document the complaint and perform an immediate preliminary investigation to determine the validity of the complaint. The supervisor shall provide a copy of the report to the Labor Relations Manager regardless of the supervisor's findings.

Complaint Procedures

All complaints filed under these procedures are confidential and this policy prohibits the intimidation, reprisals and/or retaliation against any person who files a complaint under these procedures or with other enforcement agencies.

Any person who feels that they have encountered sexual harassment may file a complaint with the Labor Relations Manager. The Labor Relations Manager or the Employment Manager will assist the complainant in filling out the appropriate form and offer any other technical assistance needed. Complaints should be filed as soon as possible following any alleged harassment.

The Labor Relations Manager will investigate the complaint and present the findings to the Director of Human Resources no later than 20 work days after it is received. Before a determination is rendered by the Human Resources Director, the complainant, if desired, will be given the opportunity to appear before the Director of Human Resources to offer any additional information relative to the case.

The Human Resources Director will have 15 work days upon receipt of the information from the Labor Relations Manager to render a determination. In the event the complaint is not resolved to the complainant's satisfaction, the complainant shall be advised of the outcome and shall be given the opportunity to file with other federal and state enforcement agencies.

When a "finding of fact" of sexual harassment is determined, corrective action will be taken immediately. The scope of disciplinary action shall range from a written warning or reprimand to suspension without pay and possible termination.

Contact: Human Resources
515-286-3200
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