



## **SECTION II CONDITIONS OF EMPLOYMENT AND CODE OF CONDUCT**

### **NUMBER II.2 Equal Employment Opportunity and Unlawful Discrimination (July 1, 2015)**

#### A. Introduction and Policy Statement

The county is dedicated to the principles of equal employment opportunity. We prohibit unlawful discrimination against applicants or employees on the basis of race, color, religion, gender, gender identity, national origin, age 40 and over, disability, socio-economic status, sexual orientation, genetic information, or any other status protected by applicable federal, state or local law.

#### B. Americans with Disabilities Act As Amended (ADAAA) and Religious accommodation

The county will make reasonable accommodation for qualified individuals with known disabilities and employees whose work requirements interfere with a religious belief unless doing so would result in an undue hardship to the County or cause a direct threat to health and safety. Employees needing accommodation are instructed to contact their supervisor or HR.

#### C. Equal Employment Opportunity (EEO) Harassment

The county strives to maintain a work environment free of unlawful harassment. In doing so, the county prohibits unlawful harassment because of race, color, religion, gender, gender identity, national origin, age 40 and over, disability, socio-economic status, sexual orientation, genetic information, or any other status protected by applicable federal, state, or local law. Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an **individual's work performance or creating an intimidating, hostile, or offensive work environment. Actions based on an individual's protected status will not be tolerated.** Prohibited behavior may include but is not limited to the following:

- Posting, emailing, or distributing materials in written form such as cartoons, e-mails, posters, drawings, and photographs
- Verbal conduct such as epithets, derogatory comments, slurs or jokes

- Physical conduct such as assault, or **blocking and individual's** movements

This policy applies to all employees including managers, supervisors, and co-workers. Non-employees such as, vendors and consultants are expected to comply with this policy as a condition of their contracts. Employees, contractors, and consultants are also prohibited from harassing customers and clients on the basis of the protected status of the customers and clients.

#### D. Sexual Harassment

Because sexual harassment raises issues that are to some extent unique in comparison to other types of harassment, the County believes it warrants separate emphasis.

The county prohibits sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment
- Submission to or rejection of such conduct is used as the basis for **decisions affecting an individual's employment**
- Such conduct has the purpose or effect of substantially interfering **with an individual's work performance or creating an intimidating, hostile, or offensive work environment**

All employees are expected to conduct themselves in a professional and business-like manner at all times. Conduct which may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, e-mails
- Verbal form, such as comments, jokes, foul or obscene language of **a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates**
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up **against another's body**

This policy applies to all employees including managers, supervisors, and co-workers. Non-Employees such as vendors and consultants are expected to comply with this policy as a condition of their contracts.

Employees, contractors, and consultants are also prohibited from sexually harassing customers and clients.

E. Complaint Procedure

If you believe there has been a violation of the EEO policy or harassment based on a protected class, including sexual harassment, please use the following complaint procedure. The county expects employees to make a timely complaint to enable the county to investigate and correct any behavior that may be in violation of this policy.

Any employee, who believes that she or he has been discriminated against, harassed, and/or retaliated against, has a number of options. The employee should select the route that feels most appropriate for the circumstances. The employee may file a complaint with any of the following:

1. the employee's immediate supervisor, or
2. the employee's supervisor's supervisor, or
3. the EO/DH in the office/department where the employee works, or,
4. HR

If an employee believes that his or her personal safety is in jeopardy because of harassment while working outside of regular business hours, the employee should leave work immediately and notify one of the above as soon as possible.

Supervisors/managers who become aware of instances or allegations of discrimination, harassment, and/or retaliation by or against a county employee must report it to HR immediately. A supervisor/manager who fails to report an instance of, or an allegation of, discrimination, harassment and/or retaliation may be subject to discipline, up to and including termination.

F. Investigation and Confidentiality

Upon notice of a complaint involving potential discrimination, harassment, and/or retaliation HR will promptly investigate the complaint. The county will strive to protect the confidentiality of all aspects of its investigation; however, the county cannot guarantee confidentiality. All employees are expected to cooperate with HR during the course of an investigation of discrimination, harassment, and/or retaliation.

The county prohibits retaliation against an employee for filing a complaint under this policy or for assisting in a complaint investigation. If you perceive retaliation for making a complaint or your participation in the

investigation, please follow the complaint procedure outlined above. The situation will be investigated.

**If the county determines that an employee's behavior is in violation of this policy, the employee will be subject to discipline, up to and including termination of employment. All sanctions will follow the policies and procedures of this manual.**