

## SECTION 6.1: FAIR EMPLOYMENT RIGHTS AND RESPONSIBILITIES

### A. RATIONALE

Hamilton County is committed to providing all employees a workplace that is free from unfair treatment based on race, sex, sexual orientation, gender identity, religion, national origin, ancestry, age or disability so employees can focus on the job tasks at hand. Each employee has a responsibility to treat co-workers, and anyone with whom they interact on the job, fairly and equally.

### B. ANTI-DISCRIMINATION POLICY

1. The Hamilton County Board of County Commissioners is an Equal Employment Opportunity Employer. All employees shall be treated in a fair and equitable manner based solely upon merit, fitness and such other occupational qualifications as each individual might possess. Personnel actions or decisions concerning any term or condition of employment shall not unlawfully discriminate on the basis of race, sex, sexual orientation, gender identity, age, religion, color, national origin, ancestry, disability, or other non-job related criteria. This Appointing Authority will accept nothing less than zero tolerance for violations of public or employee rights, or harassment or discrimination based on any of these criteria.
2. Any employee who feels he/she has been discriminated against because of race, sex, sexual orientation, gender identity, age, religion, color, national origin, ancestry, disability or other non-job related criteria may seek redress internally by following the complaint procedure outlined in this policy.
3. The Human Resources Department (HR) shall be responsible for coordinating efforts to assure equal employment opportunity in cooperation with Department Heads and supervisors within all departments under the BCC. Similarly, Human Resources shall be responsible for coordinating efforts to assure compliance with the Americans with Disabilities Act (ADA) and for receiving and resolving complaints about discrimination against the disabled.

C. Human Resources may assist other County Appointing Authorities in meeting their EEO and ADA obligations.

### D. DEFINITIONS

1. Workplace environment – The workplace environment is defined as follows: (1) County property at anytime; (2) anywhere County business is conducted; (3) County sponsored events and activities.
2. Sexual harassment – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute

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sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. Such conduct is sufficiently severe or pervasive so as to unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive work environment.

E. CIVIL TREATMENT POLICY AND PROHIBITED CONDUCT

It is the goal and policy of the BCC to create and maintain a civil and professional workplace environment where employees are treated fairly by co-workers, supervisors, customers and vendors without regard to their race, sex, sexual orientation, gender identity, age, religion, color, national origin, ancestry, or disability. All employees, both supervisors and non-supervisors, are responsible for creating a work environment free from offensive behavior.

1. The following is a non-exhaustive list of examples of conduct prohibited in the workplace environment:
  - a. To engage in inappropriate conduct or make jokes or inappropriate comments for which there is no business purpose, based on race, sex, sexual orientation, gender identity, age, religion, color, national origin, ancestry, or disability.
  - b. To bring any item to the workplace environment for purposes of a joke, or for any other non-business purpose which may be offensive to others, based on race, sex, sexual orientation, gender identity, age, religion, color, national origin, ancestry, or disability.
  - c. To use any official Hamilton County property, including bulletin boards or space in an employee's office or cubicle, for purposes of a joke, or for any other non-business purpose which may be offensive to others, based on race, sex, sexual orientation, gender identity, age, religion, color, national origin, ancestry, or disability.
  - d. To deface Hamilton County property or personal property of another for purposes of a joke, or for any other purpose, which may be offensive to others based on race, sex, sexual orientation, gender identity, age, religion, color, national origin, ancestry, or disability.
2. Conduct described under this policy will not be tolerated even if the parties engage in the conduct consensually.

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F. SEXUAL HARASSMENT POLICY AND PROHIBITED CONDUCT

Sexual harassment is prohibited by federal and state law. It is also a violation of County policy for any supervisor or employee to engage in the acts or behavior enumerated in this policy.

1. The following is a non-exhaustive list of conduct prohibited in the workplace environment:
  - a. Any conduct that meets the definition of “sexual harassment” above (Section D.2.).
  - b. Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexually suggestive or vulgar language, suggestive or insulting sounds, leering, whistling.
  - c. Sexual propositions.
  - d. Sexually suggestive objects or pictures, graphic commentaries, obscene gestures.
  - e. Unwelcome physical contact, including touching, pinching, brushing the body, coerced sexual intercourse.
2. Conduct described under this policy will not be tolerated even if the parties engage in the conduct consensually.

G. FILING A COMPLAINT

1. Complaints of harassment, discrimination, or any violation of this policy shall be reported immediately (the complaint should be reported not later than five (5) work days after the alleged act of discrimination), verbally or in writing, to any one of the following individuals:
  - a) an employee’s immediate supervisor;
  - b) any supervisor in the employee’s chain of command;
  - c) the HR Director or any HR Manager in Human Resources.
2. All complaints received by any supervisor also must be reported in writing within two (2) work days of the complaint) to the HR Director for investigation by the HR Director or his/her designee, as must all violations of this policy witnessed by a supervisor.
3. Once a complaint has been made under this policy, there is an affirmative duty to investigate and take appropriate remedial action, even if the employee making the complaint is resistant to pursue the matter.

4. The HR Director or designee shall meet with the complainant as soon as possible (usually within two working days) to review the allegations and shall conduct a thorough investigation of the complaint.
5. The HR Director or designee shall provide the employee with a written statement, within thirty days of receipt of the complaint, summarizing the status of the investigation and/or the findings of the investigation. If disciplinary action is required as a result of the investigative findings, management, in consultation with Human Resources, will proceed according to Section Seven of this manual.
6. Every effort will be made to preserve the confidentiality of the investigation, and records of the investigation shall be maintained separate from employee personnel files. Records of investigations are considered confidential to the extent allowed under the law (absolute confidentiality cannot be guaranteed).
7. Employees may make complaints under this policy even if the subject of the complaint is not a County employee, or if the offensive conduct occurs off-site, i.e., while the employee is conducting County business outside County-owned or operated property.
8. An employee shall not be retaliated against for exercising his/her rights under this policy, or for cooperating in an investigation under this policy. Retaliation of any kind should be reported to the HR Director immediately.

#### H. DISCIPLINARY ACTION

1. Disciplinary action will be taken against any employee who violates this policy, up to and including removal, depending on the seriousness of the offense.
  2. An employee will be disciplined for violations of this policy, even if the misconduct does not rise to the level of “harassment” or “discrimination” under Federal or State law.
  3. Disciplinary action will be taken against any employee who engages in reprisals or retaliation against any employee who makes a complaint under this policy and/or cooperates in an investigation of a complaint under this policy.
  4. Employees making false claims under this policy will be subject to discipline.
- I. All employees are required to attend “Fair Employment Rights and Responsibilities” training provided by the Human Resources Development Division of HR. New hires are expected to attend such training within their first year of employment.