

EE. WORKPLACE HARASSMENT

GENERAL POLICY

Scott County will not tolerate harassment in the workplace, which includes verbal or physical conduct by an employee which harasses, disrupts, or interferes with another's work performance or which creates and intimidating, offensive or hostile work environment, especially if such conduct concerns race, gender, religion, age, physical or mental disabilities, national origin, sexual orientation, veteran's status, genetic information, pregnancy status or other characteristic protected by applicable laws. Sexual harassment is unwanted sexual attention of a persistent or offensive nature made by a person who knows, or reasonably should know, that such attention is unwanted. Sexual harassment includes sexually oriented conduct that is sufficiently pervasive or severe to unreasonably interfere with an employee's job performance or create an intimidating, hostile or offensive working environment.

SCOPE

This policy is applicable to the following:

All employees responsible to the Scott County Board of Supervisors;

All employees responsible to a county elected office holder including the elected office holder and deputies;

All employees not directly responsible to either the Board of Supervisors or an elected office holder and whose governing body and the Board of Supervisors has certified its applicability.

Whenever the provisions of this policy are in conflict with the Code of Iowa, or with a collectively-bargained agreement between the County and a certified bargaining unit, the provisions of the collectively-bargained agreement and/or the Code of Iowa will prevail.

GENERAL HARASSMENT

Harassment of employees based upon their race, gender, religion, age, physical or mental disabilities, national origin, sexual orientation, veteran's status, genetic information, pregnancy status or other characteristic protected by applicable laws is a violation of this policy along with local, state and federal law. Conflict in the workplace is inevitable but does not necessarily constitute a hostile work environment under this Policy unless there is evidence of illegal discrimination or violation civil rights under Title VII.

Examples of discriminatory harassment include, but are not limited to:

1. Abusing the dignity of an employee through insulting or degrading remarks or conduct.
2. Subjecting an employee to threats, insults, unwelcome comments, or displays/circulation of derogatory symbols, cartoons or pictures. This includes communications which may be offensive to individuals in a particular protected group.
3. Subjecting an employee to demeaning or degrading activities in order to gain co-worker acceptance, e.g., hazing.
4. Disciplining or terminating an employee because of work incompatibility, which is caused by prohibited discrimination, harassment, or biased behavior.
5. Physical conduct such as assault, unwanted touching or blocking normal movement.

A supervisor shall make every reasonable effort to identify and prevent all forms of discriminatory harassment from occurring and taking immediate and appropriate corrective action when harassment is brought to their attention, either directly or indirectly. Supervisors must report alleged incidents of discriminatory harassment to the County EEO officer, even if they addressed and resolved the situation.

Any employee who engages in any form of discrimination or harassment prohibited by this policy or who retaliates against an individual who has complained of discrimination or harassment will be subject to disciplinary action up to and including discharge. Also, any supervisor who fails to act upon employee complaints or on personal knowledge of discrimination or harassment will be subject to disciplinary action up to and including discharge.

SEXUAL HARASSMENT

Acts of sexual harassment by employees, supervisors, and agents of the County, are prohibited employment practices and are subject to disciplinary action, up to and including termination.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

3. Such conduct has the purpose or effect of unreasonable interference with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity to physical assault. This list of behaviors, while not all inclusive, provides examples of conduct that is prohibited.

1. Threats or intimation of sexual relations or sexual contact which is not freely or mutually agreeable to both parties;
2. Continual or repeated verbal abuses of a sexual nature including graphic comments about a person's body; sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person; sexually degrading words to describe the person, or propositions of a sexual nature.
3. Threats or insinuations that the person's employment, wages, promotional opportunities, job or shift assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances.

Sexual harassment is a violation of law and will not be tolerated. Employees engaging in sexual harassment will be subject to disciplinary action, up to and including dismissal. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

Employees who feel they are victims of sexual harassment are encouraged to file a complaint with the County EEO officer, or their supervisor. If a complaint was initiated with a supervisor and the actions continue, the complainant is encouraged to bring the complaint to the County EEO officer. All incidents of sexual harassment or inappropriate sexually oriented conduct must be reported and investigated. Supervisors must report alleged incidents of sexual harassment to the County EEO officer, even if they addressed and resolved the situation.

COMPLAINT PROCEDURE

In the interest of resolving EEO-related complaints internally, the following complaint procedure is established.

Any employee or applicant alleging discriminatory practice by Scott County or one of its employees may file a complaint with the County EEO Officer. All employees or applicants shall have the right to file a complaint without fear of reprisal.

Step 1. The complainant shall meet and discuss any alleged violation of this policy with the County EEO Officer within 30 days following its occurrence in an effort to resolve the problem in an informal manner. The EEO Officer shall respond orally to the

complainant no later than seven days after this initial discussion. Every effort will be made to resolve a problem at Step 1.

Step 2. If the Step 1 response fails to resolve the matter, the complainant shall have seven days in which to file a formal, written complaint with the County Administrator. The complaint must be legible and must include: the name, address and telephone number of the complainant; the date of filing; the name(s) of those against whom the complaint is lodged; a clear and concise description of the facts related to the alleged discriminatory practice; and the remedy or solution requested by the complainant. All such complaints must be signed and dated by the complainant.

Upon receipt of a formal written complaint, the County Administrator (or his/her designee) shall, within 10 days following receipt of the complaint, meet with the interested parties to more fully discover the facts related to the complaint. Within 10 days following said meeting, the County Administrator (or his/her designee) shall respond to the complainant in writing.

Step 3. If the County Administrator's decision does not resolve the complaint, the complainant may, within 10 days following the receipt of the answer in Step 2, forward the written complaint to the Scott County Board of Supervisors. The Board shall arrange to meet within 30 days following receipt of the complaint with the complainant and all interested parties. Within 10 days following this meeting, the Board shall issue a written decision.

CONFIDENTIALITY

All inquiries, complaints, and investigations are treated as confidentially as possible. All employees are expected to cooperate with any investigation, maintain confidentiality and are prohibited from making false statements intended to take revenge or harm a fellow employee.

RETALIATION

This policy prohibits retaliation against employees who bring harassment charges or assists in investigating charges. Retaliation in violation of this policy may result in disciplinary action, up to and including termination. Any employee who reports harassment or assists in an investigation will not be adversely affected in terms and conditions of employment, discriminated against or discharged because of the complaint. False and malicious complaints of harassment, discrimination or retaliation may be subject to disciplinary action up to and including termination.