



HARASSMENT-FREE WORKPLACE POLICY

POLICY

Washington County is committed to providing a productive work environment for all employees which is fair, civil, positive, and respectful of each person's dignity and is free from all forms of discrimination or harassment. Our goal is to provide an environment that supports employees so that they may realize their full potential. Washington County recognizes the value of diverse backgrounds, experiences, special abilities and characteristics that employees bring to the organization.

It may be unlawful and/or violate the policies of the County for any employee to engage in harassment or discrimination of another employee on the basis of race, color, national origin, religion, disability, age, gender, marital status, sexual orientation or any other factors addressed by state or federal law. Behaviors which inappropriately assert race, religion, color, national origin, gender, etc. as relevant to employee performance, damage the core of the public services work environment and are in direct conflict with this policy and our organizational values.

"Harassment" includes unwelcome, intimidating, hostile or threatening behavior, derogatory statements, jokes, and depiction's that are made because of a person's gender, race, color, religion, national origin, disability, age, or sexual orientation. A complaint of harassment or discrimination may be made to anyone in the employee's supervisory/management hierarchy, to Human Resources or to the County Administrator.

The policy includes that once a complaint is filed; the County shall take prompt and appropriate action including investigation and take effective remedial action if warranted. To the extent possible complaints and investigations will be kept confidential. There shall be no retaliation against the complaining party, witnesses or any other person participating in the investigative process. Anyone found to have violated this policy against harassment; discrimination or retaliation shall be disciplined up to and including termination.

Washington County's harassment-free workplace policy confirms our belief in the value of all employees and a respect for the differences among people.

PROCEDURES

Employees with a complaint involving harassment or discrimination that is unlawful and/or violates County policy based on their protected class status (i.e. age, gender, race, etc.) may make their complaint with one of several resources including the Department of Support Services/Human Resources Division. Because of the diverse perspectives they bring to problem solving, the Human Resources Division staff is particularly skilled and experienced in hearing, advising, mediating and resolving these complaints.

Additionally, employees may choose, if applicable, to use the grievance procedures outlined in Article 10 of the Washington County Personnel Rules and Regulations to file complaints including those which are not specifically related to their protected class status but which may violate County policy.

Employees are also encouraged to bring these issues to any manager or supervisor in their department's "chain of command" if practicable.

It is important that employees at all levels know and understand that they have several options available to them if they believe that they have been harassed. These include:

1. The assistance of the Human Resources Division in providing information and resources, training and direct problem solving;
2. Access, through the Human Resources Division, to the services of a third-party mediator or problem-solver, such as a manager from another area, or an outside consultant or advisor;
3. Article 10, Personnel Rules and Regulations grievance procedure;
4. Article 12.4.2 Personnel Rules & Regulations grievance procedure;
5. A full and formal investigatory process, generally filed under this Plan.

Complainants are encouraged to use the County's internal procedures to resolve issues regarding harassment or discrimination.

A report of harassment must be made within one year of the disputed action, but is most effective when made as close to the time of the incident as possible.

An employee is not required to complain to the alleged harasser, but may make his/her complaint, either orally or in writing, to the:

1. Department Head, Manager, or Supervisor.
2. Department of Support Services/Human Resources Division;
3. Civil Service Commission if the complaint is regarding appointments under Article 10.2 or if the complaint is regarding a violation of civil rights under Article 12.4.2 of the Personnel Rules and Regulations;
4. Employee's Union if the position is represented by a bargaining unit or;
5. County Administrative Office.

Employees may also make a complaint outside of the County through either:

1. The Civil Rights Division of the Bureau of Labor and Industries or;
2. The Equal Employment Opportunity Commission.

When a complaint is received within a Department, documentation of the complaint (formal and informal) must be communicated to the Department of Support Services, Human Resources Division immediately.

Upon receipt of the complaint, the Human Resources Division will assist the Department in determining the appropriate course of action. In some cases the Human Resources Division (and if appropriate, with assistance from outside of the organization) may be called upon to advise or conduct an investigation. Generally, the goal is to complete the inquiry within 30 days. However, factors such as the complexity of the matter, the availability of persons with information to contribute, and the need to consult with legal counsel, may affect how long the investigation process will take. Generally, a department may be responsible for any investigation activities for complaints, which represent a single offense, and constitute an apparent less serious violation (e.g., offensive remark). If the behavior indicates a pattern of offense and/or is of a more serious nature, the Human Resources Division or other resources outside of the department may be called upon to participate in or conduct an investigation.

There are several criteria for deciding who should assist with the investigation or resolution. Department Heads and the Human Resources Division will generally recommend a person(s) who meets the following criteria:

1. Is knowledgeable about what constitutes unlawful harassment
2. and/or violations of County policy;
3. Understands how allegations of harassment/discrimination can be tied legally to other causes of action;
4. Has credibility and the ability to provide decisions and recommendations that are well-grounded and legally defensible;
5. Is perceived by those involved as objective, sensitive and open-minded;
6. Is able to put people at ease, and get them to openly discuss the situation;
7. Is someone who will be a credible witness, if the case proceeds as far as a formal charge of discrimination or legal action.

The intent is for any investigation procedure to be as confidential and prompt as the complaint, the law and the investigation allow, and to provide effective remedies and protection of complainants and witnesses against retaliation. Complete confidentiality may not always be possible, since discussion of allegations and positions may be necessary during the investigatory process and these matters may become subject to some possible future legal action.

Complainants, accused, and witnesses will be treated with courtesy and respect during any period of investigation or inquiry. Anyone accused of harassment or discrimination will be considered innocent until a final determination can be made regarding the allegations.

The County may decide to use a third party fact finder or mediator to help resolve these issues or complaints. Depending on the specific situation, these persons may be managers from other County departments, or outside resources with expertise in the type of problem that is being alleged.

The Department of Support Services/Human Resources Division will work with the County Administrator's Office to see that:

1. Complaints are investigated in accordance with Washington County's policies, and/or work with County departments to conduct investigations;
2. Attempts are made to resolve the complaint informally with all parties;
3. The investigation and resolution efforts are documented and maintained within the Human Resources Division;
4. Advisors and legal counsel are consulted;
5. A final determination is made.

Final resolution, including avenues of appeal, if any, by an employee or the person accused of harassment, can depend upon several factors, including:

1. The severity of the alleged behavior;
2. The nature of any disciplinary action recommended or taken;
3. Whether either party is a member of a bargaining unit;
4. Whether a candidate for appointment has appeal rights to the Civil Service Commission.

The Human Resources Division will serve as a resource in determining what appeal rights apply in each individual situation.

Charles Cameron, County Administrator
Date: 8-19-98