



PERSONNEL MANAGEMENT SYSTEM

SECTION: 300 – General Personnel Policies POLICY NUMBER: 320

SUBJECT: **Harassment Policy (sex, race, color, religion, national origin, age, gender and disability)**

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EFFECTIVE DATE: 2/22/99

REVISION DATE: _____

I. PURPOSE

To ensure compliance with federal and state laws pertaining to harassment based on sex, race, color, religion, national origin, age, gender, disability or other status protected by law, to provide examples of behaviors that may reasonably be considered to be harassment; and to establish procedures for County employees to follow in making complaints about harassing behavior. These policies are intended to complement and not replace the Office of Equal Opportunity Compliance and its obligations to educate, prevent and resolve employment-related complaints within Shelby County Government.

II. SCOPE

Applies to all employees of Shelby County Government and to all Shelby County elected officials. Shelby County Government encourages reporting of all allegations of harassment regardless of who the offender may be, in accordance with the method set out in Section VII.

III. GENERAL POLICY

- A. Shelby County Government prohibits any form of discrimination, including harassment based on sex, race, color, religion, national origin, age, gender, disability or other status protected by law. Shelby County Government is committed to maintaining a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere, which promotes equal opportunity and prohibits discriminatory practices, including harassment. Harassment, whether at the work site or in other work settings, whether verbal, physical or environmental, is unacceptable and will not be tolerated.
- B. It is the responsibility of every employee of Shelby County Government to avoid any behavior that could be reasonably interpreted as harassment prohibited by the policy.
- C. The Shelby County Human Resources Department may be contacted at any time by **any** employee or Management Representative for additional information on the harassment policy, consultation regarding a complaint or to register a complaint.



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IV. DEFINITIONS

- A. "Shelby County Government" — For purposes of this policy, the term includes Shelby County elected officials whose employees are in the classified or unclassified positions in the Civil Service System.
- B. "Appropriate Management Representative" or "Management Representative" - For purposes of this policy, the terms include any Shelby County elected official or his/her designee. The term can also include line supervisors, supervisors, managers, administrators, and division directors, (or comparable classifications within an elected official's organization.)
- C. "Management" - For purposes of this policy, the term includes any person with supervisory authority over other employee(s) and specifically includes line supervisors, supervisors, managers, administrators, division directors (or the comparable classification within an elected official's organization) or an elected official.
- D. "Shelby County Human Resources Department" means the department formerly referred to as Shelby County Department of Personnel.
- E. "Human Resources Administrator" -For purposes of this policy, this term means the Administrator of the Shelby County Human Resources Department.



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V. SEXUAL HARASSMENT

A. Sexual Harassment Definition - Behavior that includes, but is not limited to **unwelcome** sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature **when**

- (1) Submission to such conduct is made either implicitly or explicitly a term or condition of employment; or
- (2) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.
- (4) Examples of such behavior include, but are not limited to:
 - unwanted sexual advances;
 - unwelcome letters, phone calls, or materials of a sexual nature;
 - unwelcome pressure for dates;
 - demands for sexual favors in exchange for favorable treatment or continued employment;
 - repeated sexual jokes or humor with sexual overtones;
 - unwanted flirtations;
 - unwelcome sexual advances or propositions;
 - verbal abuse of a sexual nature;
 - graphic or verbal commentary about an individual's body, sexual prowess or sexual deficiencies
 - leering, whistling, pinching, or other inappropriate touching;
 - unnecessary touching or brushing against another's body
 - attempted or actual kissing or fondling;
 - implied or overt sexual threats;
 - sexual assault, coerced sexual acts, or rape;
 - suggestive, insulting, obscene, or demeaning comments or gestures of a sexual nature; or
 - display in the workplace of sexually suggestive objects or pictures.



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- B. Behavior included in the above section of examples or behavior related or similar in nature is unacceptable whether it occurs in the workplace itself or in other work-related settings such as business trips, training seminars and other County related events.
- C. Sexual harassment can involve conduct from male to female, female to male, female to female, or male to male. Sexual harassment can occur from supervisor to subordinate, subordinate to supervisor, coworker to coworker, non-employee to employee and vice versa.
- D. Consenting Romantic and/or Consenting Sexual Relationships -
1. Coworkers - Consenting romantic and/or consenting sexual relationships between employees or between a supervisor or management representative and his/her subordinate may lead to unforeseen complications. Each employee should be aware of the possible risks of even a consensual romantic and/or sexual relationship.

An Appropriate Management Representative within the work unit may alter the responsibilities or assignments of parties engaged in a consenting relationship to diminish the professional contact they may have with each other when there is even a remote possibility that such a relationship could interfere with the performance of work duties or interfere with the overall productivity of any work unit.
 2. Supervisor/Management Representative/ Subordinate - Consenting romantic and/or consenting sexual relationships between a supervisor or management representative and his/her subordinate are strictly prohibited.
- E. Sexual Favoritism - Employment decisions based on sexual favoritism is strictly prohibited.



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VI. RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, GENDER OR DISABILITY HARASSMENT

- A. Race, Color, Religion, National Origin, Age, Gender or Disability Harassment Definition - Behavior reasonably be perceived as denigrating or showing hostility toward an individual because of the individual's race, color, religion, national origin, age, gender, disability or other status protected by law.

Examples of such harassment could include, but are not limited to:

- Oral or written epithets, slurs, negative stereotyping or intimidating acts based on an individual's protected status;
- Gestures or conduct rooted in prejudice or other considerations that signal contempt toward others based on the individual's protected status;
- Circulating or posting of writing or graphic materials that show hostility toward an individual because of his or her protected status.

- B. Investigation of Race, Color, Religion, National Origin, Age, Gender or Disability Harassment - Shelby County Government's Office of Equal Opportunity Compliance will continue to have primary responsibility for investigation and resolution of such complaints.

VII. HARASSMENT COMPLAINT PROCEDURES

- A. Notification of Complaint - An Employee of Shelby County Government has available four (4) basic avenues for making a harassment complaint. They are: (1) Notification of the Offender, (2) Notification of Appropriate Management Representative within the work unit, (3) Shelby County Human Resources Department, (4) Notification of Shelby County EOC. Employees are encouraged to utilize any or all of these internal methods of notification.

1. Notification of Offender - Any employee who believes that he or she is being harassed in violation of this policy is encouraged to clearly and promptly notify the offender his/her conduct is unwelcome.
2. Notification of Appropriate Management Representative within the work unit - If the employee is uncomfortable with speaking with the offender, or if the



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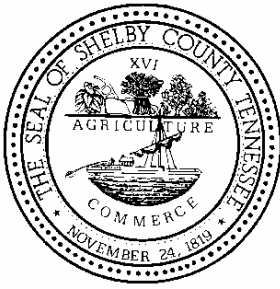
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confrontation does not end the harassment, he/she should notify one (or more) of the following:

- a. Immediate Supervisor; or
 - b. Department Manager; or
 - c. Department Administrator; or
 - d. Division Director (or comparable classification within an elected official's organization); or
 - e. Elected Official (or his/her designee)
3. Shelby County Human Resources Administrator - At any point, an individual may report the conduct directly to the Shelby County Human Resources Administrator.
3. Shelby County Equal Opportunity Compliance Office - An employee may contact the Shelby County Equal Opportunity Compliance office with questions, concerns, or complaints concerning harassment.

EMPLOYEES MAY UTILIZE ANY OF THE NOTIFICATION OPTIONS LISTED ABOVE. AN EMPLOYEE MAY UTILIZE ANY OTHER METHOD OF NOTIFICATION MECHANISM AVAILABLE UNDER STATE OR FEDERAL LAW.

- B. Management Representative's Responsibility Upon Receipt of Harassment Complaint - A Management Representative has three (3) responsibilities upon receipt of an oral or written complaint of harassment:
1. If a Management Representative receives a harassment complaint, he or she must immediately (before the close of business) notify the Shelby County Human Resources Administrator, and
 2. The Management Representative must obtain or prepare a written description of the conduct. The Appropriate Management Representative should make an effort to have the complaint signed by the complainant; however a signature is not required. In the event the complainant should not wish to sign the complaint, the refusal to sign should be documented.
 3. A Management Representative must submit a copy of the written description of the complaint with the Administrator of the Shelby County Human



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Resources Department. The Management Representative should make every effort to submit such report with Human Resources **within 2 workdays of the initial complaint.**

NOTE: Nothing in this policy is intended to interfere with the normal and customary chain of command required within an office.

- C. Shelby County Human Resources Administrator's Responsibility Upon Receipt of Harassment Complaint - If at any time an individual makes a harassment complaint to the Shelby County Human Resources Administrator, the Administrator or his or her designee will obtain a written statement. Upon receipt of a harassment complaint, Shelby County Human Resources will promptly notify the Appropriate Management Representative within the work unit.
- D. Time for Employee Reporting Complaint of Harassment - Prompt reporting of complaints is strongly encouraged as it allows for rapid response and resolution of objectionable behavior or conditions of the complaining individual and any other affected employees.

VIII. INVESTIGATION

- A. Investigation Process - After notification of a complaint, the Management Representative will consult with the Shelby County Human Resources Administrator and an individual will be designated to investigate the complaint.
- B. Fair and Impartial Investigation - Harassment complaints will be investigated promptly, fairly and objectively.
- C. Confidentiality During an Investigation - To the extent possible and consistent with ascertaining the facts, complaints will be processed confidentially, but all complaints will be investigated in the manner described in these policies.
- D. Interim Action - An Appropriate Management Representative within the work unit may take appropriate interim action while the investigation is pending. No punitive or retaliatory action will be taken for filing a complaint.



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IX. CONCLUSION OF INVESTIGATION

- A. Report of Factual Findings - The investigator assigned to investigate the harassment complaint will prepare a Report of Factual Findings. The Report of Factual Findings will include a conclusion as to whether the alleged conduct occurred or not and a recommendation as to the appropriate action to take. The Report will be submitted to the Appropriate Management Representative within the work unit, and a copy will be submitted to the Administrator of the Shelby County Human Resources Department.
- B. Management Responsibility Upon Receipt of Report of Factual Findings - Management has two (2) responsibilities upon Receipt of the Report of Factual Findings:
1. The Appropriate Management Representative within the work unit will review the Report of Factual Findings and determine whether corrective action is appropriate; and
 2. The Appropriate Management Representative will communicate to the complainant and alleged harasser in writing the results of the investigation and actions to be taken.
 3. Corrective Measures - Individuals found to have engaged in conduct that violates County policy will be disciplined, up to and including termination. Management reserves the right to take remedial actions which may include but is not limited to written reprimand, referral to counseling, withholding of promotion, reassignment, temporary suspension without pay, reduction in grade or termination. All actions shall be in accord with County Personnel policy.
- D. Inconclusive Finding - If the investigator cannot determine whether the conduct occurred or not, the Manager shall communicate this finding to both parties in writing.

X. PROTECTION AGAINST RETALIATION



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Retaliation against any employee making a harassment complaint or assisting in an investigation is strictly forbidden. Retaliation is a serious violation of this policy and should be reported immediately in accord with the Complaint Procedures in Section VII. Any person found to have retaliated against an individual will be subject to discipline.

XI. OTHER MANAGEMENT RESPONSIBILITIES

- A. All members of Management have the dual responsibility of maintaining a work place free of harassment and preventing harassment in the workplace.
- B. Where a Management Representative **observes, hears, or knows of conduct** that could be reasonably perceived as a violation of this policy, it is his or her responsibility to report that conduct to the appointing authority who has jurisdiction of the employees involved in the conduct.. Additionally, where Management **should have known about such conduct** in violation of this policy or upon reasonable inquiry could have been made aware of the conduct and failed to make such an inquiry, the Manager will be deemed in violation of this policy and will be disciplined.
- C. Violation of any provision of this policy will subject a Management Representative or other employee to disciplinary action up to and including termination.



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XII. HARASSMENT TRAINING

The Shelby County Department of Human Resources may be contacted by a Management Representative for additional training of employees.