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## **.6 Harassment, Discrimination and Retaliation Prevention Policy**

- **.6.2 Introduction**

It is the policy of Glenn County to comply with all applicable laws prohibiting discrimination, harassment, or retaliation in employment, defined here as including (but not limited to) all provisions of currently applicable federal and state employment statutes, their implementing regulations, and related precedential case law. Glenn County maintains a strict policy prohibiting harassment and discrimination because of race, sex, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, gender, gender information, gender identity, gender expression, marital status, age, military status or any other basis made unlawful by federal or state law or county ordinance. This policy applies to all persons involved in the operations of Glenn County. Glenn County does not tolerate discrimination, harassment, or retaliation against employees, applicants, contractors, or other individuals by another employee, vendor, customer, or other third party.

This policy applies to all aspects of employment and covers, for the County, all employees at all on-site and off-site workplaces, elected and appointed officials, applicants for employment, employee beneficiaries, providers/vendors, individuals performing work and/or services of the County, and volunteers.

- **.6.4 Policy**

A. Harassment Prevention:

Forms of prohibited unlawful harassment (conduct) or discrimination because of race, sex, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, gender, gender information, gender identity, gender expression, marital status, age, military status, veteran status, or any other basis include, but are not limited to:

1. Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments.
2. Visual conduct such as derogatory posters, photographs, cartoons, drawings or gestures.

3. Physical conduct such as unnecessary or unwanted touching, impeding, blocking of normal movement; or interfering with work directed at the employee because of sex or any other protected basis.
4. Retaliation for having reported or threatened to report harassment.
5. Threats and demands to submit to sexual requests to keep a job or avoid some other loss; and offers of job benefits and/or job advancement in return for sexual favors.

#### B. Sexual Harassment:

Sexual harassment consists of 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 a term or condition of the individual's employment;
2. Submission to or rejection of such conduct is used for the basis of 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 work environment.

Sexual harassment does not need to be motivated by sexual desire to be unlawful, or violate this policy. For example, hostile acts toward an employee because of their gender can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

Prohibited harassment is not just sexual harassment but harassment based on any protected category.

#### C. Non-Discrimination:

Glenn County is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in county operations. Glenn County prohibits unlawful discrimination against any job applicant, employee, volunteer, or unpaid intern by any employee of the county, including supervisors and coworkers.

Pay discrimination between employees of the opposite sex performing substantially similar work, as defined by the California Fair Pay Act and federal law, is prohibited. Pay differentials may be valid in certain situations defined by law. Employees will not be retaliated against for inquiring about or discussing wages.

#### D. Anti-Retaliation:

Glenn County will not retaliate against an employee, applicant, or volunteer for filing a complaint or participating in any workplace investigation and will not tolerate or permit retaliation by management, employees or co-workers.

E. An employee and/or other individual may have a claim of unlawful harassment or discrimination even if there has not been a loss of job or some other economic benefit. The law prohibits any form of harassment or discrimination that impairs an employee's working ability or emotional well-being at work.

F. If an employee and/or other individual believes they're being harassed or discriminated against because of race, sex, religion, religious creed, color, national origin, ancestry, mental or physical disability, medical condition, gender information, gender identity, gender expression, marital status, age, military status, veteran status, or any other basis made unlawful by federal/state law, or county ordinance, or believes the comments, gestures or actions of any employee, including supervisors or members of

management to be offensive, the employee and/or other individual should use the procedure outlined in this policy to file a complaint to have the matter investigated.

#### G. Reasonable Accommodation:

Discrimination can also include the failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, Glenn County will engage in the interactive accommodation process and attempt to make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any job applicant, employee, or volunteer who requires an accommodation in order to perform the essential functions of the job should contact the Personnel Department and discuss the need for an accommodation. Glenn County will engage in an interactive process with the employee to identify potential accommodations, if any, which will help the applicant or employee, perform the job. An applicant, employee, or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles), should also contact the Personnel Department and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, Glenn County will make the accommodation.

Glenn County will not retaliate against any employee, applicant or volunteer for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by management, employees or co-workers.

H. All individuals performing work and/or services for the County are responsible for maintaining workplace environments free of discrimination, harassment, and retaliation.

I. County elected or appointed officials, administrative officers, supervisors, managers, and administrative personnel shall maintain non-discrimination, non-harassment, and non-retaliation in County public employment, public services, public accommodations, and public telecommunications. They are responsible for creating a working environment for all employees, free from harassment, discriminatory, and retaliatory practices.

### **.6.6 Complaint Resolution Procedures**

Glenn County is committed to preventing and correcting behavior that violates this policy. The County provides multiple avenues for individuals to notify the County of any perceived violation and conducts prompt investigations of complaints, and takes appropriate corrective and disciplinary action when policy violations are sustained.

The Personnel Director is designated as the Compliance Officer for Non-Discrimination and Americans with Disability Act (ADA)/Fair Employment and Housing Act (FEHA) per appointment by the County Board of Supervisors and has full authority and responsibility for:

1. Receiving and investigating complaints of perceived violations of this Policy, as appropriate;
2. Utilizing early resolution strategies to address perceived violations of this Policy;

3. Developing remedies to address perceived violations of this Policy;
4. Assessing the County's duty and ability to provide a reasonable accommodation and to assess American's with Disabilities needs;
5. Providing training and education to County employees and elected or appointed officials regarding the principles addressed in this Policy;
6. Reporting to the County Board of Supervisors and Administration on progress, issues, and needs related to equal employment opportunity and ADA compliance;
7. Generally ensuring County compliance with this Policy.

The Personnel Director may designate an individual(s) to assist in the performance of these and any other responsibilities described in this Policy.

Individuals may bring concerns of perceived violations of this Policy to the County's attention using any of the methods described below. The County encourages individuals to report concerns immediately. The County will promptly investigate the facts and circumstances of any claim that this Policy has been violated and take appropriate corrective and disciplinary action in response, up to and including termination.

Employees and applicants are encouraged to attempt resolution of complaints as quickly as possible at the lowest and least formal level. However, if deemed inappropriate in the judgment of the individual, then he or she is encouraged to pursue resolution at a higher level. The most important consideration should be resolution of the issue in a prompt and fair manner.

A. The County recognizes internal reporting procedures:

An individual has a right to redress for harassment or discrimination. To secure this right, a written or oral complaint should be made to the employee's supervisor. If the complaint is not resolved, or the employee's supervisor is an issue, the employee is encouraged to pursue resolution through discussion with the next higher manager, department head, or directly to the Personnel Director as soon as possible after any incident believed to be prohibited harassment or discrimination. It would be best to communicate your complaint in writing, but this is not mandatory. Glenn County requests a written report that contains specific facts of the harassment so that it can be properly and fully investigated. The complaint should include details of the incident or incidents, the names of the individuals involved and the names of any witnesses.

B. Supervisors will refer all harassment or discrimination complaints to the department head. Department heads will refer all such complaints to the Personnel Director. All supervisors and/or department heads are required to refer complaints appropriately, regardless as to whether or not the complaint was given in confidence. The Personnel Director will immediately undertake an effective, thorough and objective investigation of the harassment or discrimination allegations. The Personnel Director may arrange for an outside investigator to investigate the complaint. This investigation will be completed and a determination regarding the alleged harassment or discrimination will be made and communicated as soon as practical.

C. If the Personnel Director determines that the unlawful harassment or discrimination has occurred, Glenn County will take effective remedial action commensurate with the severity of the offense. Appropriate action will also be taken to deter any further harassment or discrimination. Glenn County will take appropriate and immediate disciplinary and/or corrective action to prevent future occurrences.

D. Glenn County will not retaliate against any employee and other individuals for filing a complaint and will not knowingly permit retaliation by management, employees or co-workers. Employees and other

individuals are encouraged to report any and all incidents of harassment or discrimination forbidden by this policy immediately so complaints can be quickly and fairly resolved.

External Agencies:

In addition to the above, employees and applicants always have the option of filing a complaint with either, or both, the state and federal external compliance agencies. The address and phone numbers for each agency are listed below.

1. California Department of Fair Employment and Housing

2218 Kausen Drive

Elk Grove, CA 95758

(916) 478-7251

2. United States Equal Employment Opportunity Commission

450 Golden Gate Avenue

San Francisco, CA 94102-3661

(800) 669-4000

Fax (415) 522-3415

E. Confidentiality

Confidentiality of the employee will be maintained to the extent possible, but the County cannot guarantee complete confidentiality. A copy of the Harassment, Discrimination and Retaliation Prevention Policies will be provided annually to all employees with an acknowledgement form for the employee to sign and return. A copy of the signed acknowledgement will be retained by the Personnel Department in the employees Personnel file.

The Harassment Discrimination and Retaliation Prevention Policy will be on the County's website.

Each new hire will be provided with a copy of the harassment Discrimination and Retaliation Policy. It will be discussed with each new employee upon hire, during the new hire orientation.

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