

BOX ELDER COUNTY PERSONNEL POLICIES AND PROCEDURES

12.	HARASSMENT
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12-1. General Provisions

It is the policy of Box Elder County to have a workplace free from harassment based on race, color, religion, age, sex, national origin, disability, status as a veteran, or any other legally protected status. It is the policy of Box Elder County that employees making reports of harassment in good faith shall be protected from retaliation for making such reports.

12-2. Policy

It is the policy of Box Elder County that harassment based on race, color, religion, age, sex, national origin, disability, status as a veteran, or any other protected status is strictly prohibited, whether directed at an employee, a vendor, or member of the public. Upon learning of any act of harassment, whether by verbal report, written report, or in any other means, any county administrator or any county employee with supervisory responsibilities shall immediately report such information to the County Personnel Director to allow an investigation of the allegation to occur and to allow such remedial action as may be appropriate to be taken. Any employee may report any act of harassment directly to the County Personnel Director without reporting to the employee's immediate supervisor or department head.

12-3. Definitions

“Sexual Harassment” is defined as follows: “Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (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 unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment” (Equal Employment Opportunity Commission Guidelines, Section 1064.11).

“**Harassment**” includes but is not limited to, epithets, slurs, derogatory comments or jokes, intimidation, negative stereotyping, threats, assault or any physical interference with an employee's normal work or movement, directed at individual employees, their relatives, friends or associates. Harassment may also include written or graphic material placed on walls,

bulletin boards or elsewhere on the County's premises (which include electronic transmissions) or circulated in the workplace that denigrates, shows hostility or aversion towards an individual or group because of the characteristics identified in Paragraph 12.1. Critical or negative remarks made about an employee's performance and not based on characteristics identified in Paragraph 12.1 are not Harassment.

12-4. Offensive Conduct

In investigating and reviewing allegations of harassment, conduct will be analyzed utilizing the following criteria:

- a. In cases of sexual harassment claims: Whether there is a promise or implied promise of preferential treatment or negative consequence regarding employment decisions or status. (A supervisor's verbal or written description about the negative consequences of poor performance or inappropriate behavior shall not be considered to be offensive conduct.)
- b. Whether conduct has the effect of creating an intimidating or hostile or offensive work environment, or unreasonably interferes with a person's work performance, when viewed from the standpoint of a reasonable person in the complainant's position.
- c. Whether a third party is offended by the content or mode of communication of others, when viewed from the standpoint of a reasonable person.

12-5. Disciplinary Action

Harassment is an unlawful activity that violates merit principles, and such activity is prohibited under both state and federal law. Any employee who engages in such activity shall be subject to disciplinary action, which may include dismissal.

12-6. Reporting Procedure

Employees who are the victims, or are otherwise aware of harassment by or against a County employee are encouraged to report such harassment immediately. Anyone who believes they have been discriminated against or harassed has a duty to come forth immediately. Employees may, at their option, make a report of harassment to any of the following:

- a. Any supervisor in the employee's chain of command including the employee's immediate supervisor or any higher level supervisor or superior;

- b. Any employee in the Personnel Department or the County Personnel Manager;
- c. Any County Commissioner, or
- d. The County Attorney or any Deputy County Attorney.

12.6.1 An initial report of harassment need not be in writing, but must be followed by a signed, written statement within a reasonable period of time (not to exceed one month).

12.6.2 A Supervisor receiving a report of harassment shall immediately inform the Personnel Director. The Personnel Director shall commence an investigation of the allegations. If an investigation determines that harassment, as described in this policy, has occurred, appropriate disciplinary action may be taken. Victims of harassment are generally not entitled to know the details of disciplinary actions taken by the County.

12.6.3 The Personnel Director shall provide a copy of this policy to the person making the harassment complaint.