

POLICY 705 HARASSMENT AND DISCRIMINATION

1. Purpose. The fundamental policy of Eau Claire County is that the workplace is for performing duties to serve and provide the highest quality services to the public. The purpose of this policy and goal of the County is to maintain a healthy work environment free from sexual harassment and other unlawful harassment and discrimination based on sexual, racial, age-based, religious, ethnic, disability, family status, and other forms of legally impermissible harassment or discrimination of any employee or applicant for employment and to provide procedures for reporting, investigating, and resolving complaints of harassment, discrimination and retaliation.

2. Policy.

2.1 It is the policy of Eau Claire County that all employees have the right to work in an environment free of all forms of unlawful harassment and discrimination by employees, whether sworn, civilian, volunteer, or non-employees who conduct business with the County. Eau Claire County considers harassment, discrimination, and retaliation of others to constitute serious employee misconduct warranting prompt and effective remedial action to end the harassing or discriminatory behavior. It is the responsibility of all employees of the County to take reasonable and necessary action to prevent unlawful harassment, discrimination, and retaliation, and it is the responsibility of all employees to promptly report and cooperate with the County's efforts to eradicate conduct that could be in violation of this policy. Where impermissible harassment, discrimination, or retaliation has occurred, the County will take appropriate disciplinary action, including, without limitation, termination.

3. Scope.

3.1 This policy applies to all employees and applicants for employment with Eau Claire County, whether sworn, regular, reserve, or civilian, and all volunteers.

4. Definitions.

4.1 Harassment means any form of conduct that is objectively unreasonable or offensive and that could result in a hostile or intimidating working environment. Harassment includes persistently bothering, disturbing, or tormenting another person. Unlawful harassment may be based on a variety of factors, such as race, color, religion, sex, national origin, disability, marital status, sexual orientation or other protected status. The County prohibits all forms of unlawful harassment, including, but not limited to:

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- 4.1.1 Verbal harassment, such as making derogatory statements, epithets, or slurs to or about another person or group;
 - 4.1.2 Visual harassment, such as displaying offensive posters, cartoons, or drawings; and
 - 4.1.3 Physical harassment, such as threatening, assaulting, or physically interfering with another person or making other inappropriate or unwelcome physical contact.
 - 4.1.4 Examples of unlawful harassment and discrimination include use of sexual, racial, religious, age, or ethnic epithets or other derogatory words or actions based upon someone's sex, race, color, origin, ethnic origin, religion, age, physical or mental impairment or other protected status.
- 4.2 Discrimination. A failure to treat all persons equally and without discrimination based on protected status under the law where no reasonable distinction can be found between those favored and those not favored.
- 4.3 Sexual harassment. is defined as unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, and other verbal, visual, or physical conduct of a sexual nature when.
- 4.3.1 Submission to such conduct is explicitly or implicitly made a term or condition of employment;
 - 4.3.2 Submission or refusal to submit to such conduct is used as the basis for employment decisions; or
 - 4.3.3 Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- 4.4 No employee can be forced to submit to sexual harassment as a basis for any employment decision. The County will attempt to prevent and promptly eliminate any conduct that creates an intimidating, hostile, or offensive work environment for our employees.
- 4.5 The following conduct may be considered sexual harassment or another form of prohibited harassment, discrimination, or inappropriate behavior.

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- 4.5.1 Sexually suggestive or off-color comments or jokes;
- 4.5.2 Sexual flirtation, innuendo, advances, propositions, or other sexual activities;
- 4.5.3 Unprofessional touching, such as massages, embracing, or inappropriately putting an arm around another employee;
- 4.5.4 Repeated and unwelcome invitations for social interactions outside of the workplace;
- 4.5.5 Sexual or racial slurs, derogatory remarks, or offensive gestures;
- 4.5.6 Displaying or distributing sexually explicit or otherwise off-color materials, including books, magazines, articles, pictures, greeting cards, photographs, drawings, cartoons, and e-mail messages; and
- 4.5.7 Including or excluding any individual from workplace activities, assignments, or responsibilities based on their refusal to participate in or tolerate sexual or other forms of harassment or based on other factors not related to job performance or legitimate business reasons.
- 4.5.8 Inappropriate displays of affection or sexually related conduct, even if welcome, are inappropriate at work and will not be tolerated.
 - 4.5.8.1 This list is not intended to be exhaustive. For example, any particular conduct described above may also be inappropriate outside the workplace if the conduct may adversely affect the work environment. Similarly, a consensual relationship does not justify inappropriate displays of affection or other sexual statements or activities during working hours or at work-related functions.

5. Retaliation.

- 5.1 The County prohibits retaliation against any employee for filing a complaint under this policy or for assisting, testifying, or participating in the investigation of such a complaint.
- 5.2 If any County employee believes that he or she has been retaliated against for bringing a complaint or providing information related to a complaint, the County requires employees to promptly comply with and use the reporting procedure described in this policy.

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- 5.3 Retaliation is a form of employee misconduct. Any evidence of retaliation will be considered a separate violation of this policy and will be handled by the same complaint procedures established for harassment and discrimination complaints.
 - 5.4 Monitoring to ensure that retaliation does not occur is the responsibility of the department head, supervisors, and all County employees.
6. Employee and Supervisor Expectations of Conduct and Processing of Complaints.
- 6.1 Prohibited Conduct.
 - 6.1.1 In order to prevent and eradicate sexual harassment and other unlawful harassment and discriminatory behavior, the County has established the following list of prohibited activities for County employees defined as employees and applicants for employment with the County, whether sworn, regular, reserve, or civilian, and all volunteers.
 - 6.1.1.1 No employee will either explicitly or implicitly ridicule, mock, deride or belittle any person.
 - 6.1.1.2 No employee will make offensive or derogatory comments to any person, either directly or indirectly.
 - 6.1.1.3 No employee will engage in activity such as sabotage, ostracism, badgering, withholding resources, disrespectful or disruptive treatment, defamation or conduct that intimidates or is hostile, whether this conduct is of a sexual nature or not. Nor will any non-employee who conducts business with Eau Claire County engage in such activity.
 - 6.1.1.4 No employee or non-employee will engage in conduct identified or defined as prohibited sexual harassment, harassment, discrimination, retaliation or other inappropriate behavior.
 - 6.1.2 All prohibited acts of these types will be judged on the basis of conduct that is “objectively reasonable.”
 - 6.2 Employee Responsibilities.
 - 6.2.1 Each employee of the County is responsible for complying with this policy and assisting in the prevention of sexual harassment and other unlawful harassment and discrimination by:

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- 6.2.1.1 Refraining from conduct forbidden by this policy, including participating in or encouraging of action that could be perceived as harassment, discrimination, retaliation or conduct in violation of this policy;
 - 6.2.1.2 Behaving courteously and professionally toward fellow employees;
 - 6.2.1.3 Reading this policy and fully understanding its requirements;
 - 6.2.1.4 Immediately and thoroughly reporting observed acts of sexual harassment and other harassment and discrimination;
 - 6.2.1.5 Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor and through the reporting process; and
 - 6.2.1.6 Cooperating in any investigation conducted under this policy by providing accurate and complete information about any incidents with which they are familiar.
- 6.2.2 Failure of any employee to carry out their responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline up to and including termination of employment.
- 6.3 Supervisor's Responsibilities.
- 6.3.1 All employees are responsible for complying with this policy and preventing sexual harassment and other unlawful harassment and discrimination. Supervisors are also responsible for.
 - 6.3.1.1 Advising employees on the types of behavior prohibited and the County's procedures for reporting and resolving complaints of harassment and discrimination;
 - 6.3.1.2 Monitoring the work environment on a daily basis for signs that harassment and discrimination may be occurring;

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- 6.3.1.3 Stopping any observed acts that may be considered harassment and discrimination, and taking appropriate steps to intervene, whether or not the involved employees are within his or her line of supervision;
 - 6.3.1.4 Utilizing all reasonable means to prevent a prohibited act from occurring when he or she knows or should know that an employee will or may perform such an activity; and
 - 6.3.1.5 Taking immediate action to prevent adverse action or retaliation toward the complaining party and to eliminate the hostile work environment where there has been a complaint.
- 6.3.2 Each supervisor has the responsibility to assist any employee of the County who comes to that supervisor with a complaint of sexual harassment or other unlawful harassment, discrimination, or retaliation in documenting and filing a complaint with the Civil Rights Compliance Officer or as otherwise provided by this policy.
- 6.3.3 No supervisor will make any employment decision that affects the terms, conditions, or privileges of an individual's employment based on the basis of that person's race, sex, religion, national origin, color, sexual orientation, age, disability or other protected status.
- 6.3.4 Failure of any supervisor to carry out their responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline up to and including termination of employment.

7. Complaint Procedure.

- 7.1 Eau Claire County encourages and expects employees to immediately and thoroughly report all perceived incidents of sexual harassment and other forms of unlawful harassment, discrimination, or retaliation, regardless of the offender's identity or position. Any employee who believes that he or she is being harassed, discriminated, or retaliated against should report the incident promptly and as soon as possible so that steps may be taken to protect the employee and so that appropriate investigative and remedial measures may be initiated.
- 7.2 Employees with a complaint under this policy or questions about whether particular conduct is prohibited under this policy should immediately contact and discuss the concern with the employee's supervisor or the Civil Rights Compliance Officer in Human Resources as soon as possible. Complaints received by

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supervisors or department heads must be reported to the Civil Rights Compliance Officer immediately. If the complaint involves the employee's immediate supervisor, then the employee should bring the complaint to that supervisor's immediate supervisor or the Civil Rights Compliance Officer. If the complaint involves the conduct of the Civil Rights Compliance Officer, then the complaint should be forwarded to the director or the Corporation Counsel.

- 7.3 The County encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. The County recognizes, however, that an individual may prefer to pursue the matter through formal complaint procedures. The employee is encouraged to document all incidents of harassment and discrimination in order to provide the fullest basis for investigation by the County. The employee is expected to then promptly report such acts consistent with the requirements of this policy.
- 7.4 The supervisor to whom a complaint is given or other designated person will meet with the employee and document the facts surrounding the incident complained of, including the conduct of the parties, the person performing or participating in the harassment and discrimination, any witnesses to the incident and the date on which it occurred. That supervisor taking the complaint will promptly submit a confidential memorandum documenting the complaint to the Civil Rights Compliance Officer or to the director or Corporation Counsel if the complaint involves the Civil Rights Compliance Officer. If the Civil Rights Compliance Officer or other designated person is receiving the complaint, then they will document and prepare the same confidential memorandum regarding the complaint.
- 7.5 The director is responsible for assigning a person to conduct the investigation involving any complaint alleging harassment or discrimination. If the complaint involves the director, then the Corporation Counsel will assign a person to conduct the investigation. The investigator may include a determination as to whether other employees are being harassed or discriminated against by the person and whether other County employees participated in or encouraged the harassment or discrimination.
- 7.6 If the situation requires separation of the complainant and the alleged harasser, then care should be taken to avoid action that punishes or appears to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.

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- 7.7 A file of harassment and discrimination complaints will be maintained.
- 7.8 The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
- 7.9 The director or designated person will inform the parties involved of the outcome of the investigation.
- 7.10 The County will take prompt and effective remedial action to end the prohibited behavior, which may include appropriate disciplinary action, up to and including termination of employment of any employee who engages in sexual or other harassment or who otherwise violates this policy. Further, the County will correct any adverse employment action an employee experienced due to conduct forbidden by this policy.
- 7.11 If the County does not employ the individual involved in harassing or inappropriate conduct, the individual will be informed of the County's policy and appropriate remedial action will be taken.
- 7.12 In all cases, the County will make follow-up inquiries to make sure the harassment has stopped. If an employee is not satisfied with the results of the investigation or follow-up action, or if further harassment or other unacceptable conduct occurs, the employee should contact the director or designated person promptly.
- 7.13 This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

8. Remedial Action.

- 8.1 The County will take prompt and effective remedial action to end the prohibited behavior. The County will also correct any adverse employment action an employee experienced due to conduct forbidden by this policy.
- 8.2 Misconduct constituting harassment, discrimination, or retaliation will not be tolerated and will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling, reassignment, and/or disciplinary action such as warning, reprimand, reassignment, suspension without pay, or termination, as the County believes appropriate under the circumstances.
- 8.3 If a party to a complaint does not agree with its resolution, that party may appeal to the director or Corporation Counsel.

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- 8.4 False and malicious complaints of harassment, discrimination, or retaliation as opposed to complaints that, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.
- 9. Training.
 - 9.1 Human Resources will provide periodic and refresher training concerning the nature of harassment and discrimination in the workplace and prohibitions on such actions defined in the policy.
- 10. Conclusion.
 - 10.1 Eau Claire County has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination, and retaliation. The County will make every reasonable effort to ensure that all concerned are familiar with these policies and aware that any complaint in violation of such policies will be investigated and resolved appropriately.
 - 10.2 Any employee who has any questions or concerns about these policies should talk with the director or Civil Rights Compliance Officer.

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