



TRINITY COUNTY
PERSONNEL POLICY

SUBJECT:	POLICY AGAINST WORKPLACE DISCRIMINATION, HARASSMENT, BULLYING & RETALIATION
POLICY NO.:	15-04
INITIAL DATE PREPARED:	February 7, 1989
LAST DATE REVISED:	September 15, 2015
RESOLUTION NO.:	

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I. PURPOSE

The purpose of this Policy is to establish the County of Trinity's commitment to:

1. Provide a work environment free from illegal discrimination, harassment, or retaliation for reporting or participating in the complaint and investigation process described in this policy; and
2. Define such discrimination, harassment, bullying and retaliation, and to set forth the procedure for investigating and resolving internal complaints of discrimination, harassment, or retaliation.
3. Prevent bullying as required under AB2053.

This Policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

II. APPLICATION

All of the following are prohibited by this policy, and by state and federal laws:

1. Harassment in any aspect of County employment, based on any legally protected characteristic or status, including, but not limited to, race, religion, color, national origin, ancestry, physical/mental disability, medical condition, marital status, pregnancy, sexual orientation, sex, including gender, genetic information, veteran status or age (hereafter "Protected Status");
2. Retaliation for opposing, filing a complaint about, or participating in an investigation of, any such harassment;
3. Aiding, abetting, inciting, compelling, or coercing any such harassment or retaliation, or attempting to do so.

The County will take all reasonable steps necessary to prevent such misconduct from occurring, and to remedy and punish any occurrences. Any County employee found to have engaged in such misconduct will be subject to disciplinary action, up to and including termination, and will be deemed to have acted outside the course and scope of his or her County employment.

This policy applies to all County employees, volunteers, interns, vendors, and contractors, as well as to all applicants for such positions.

This policy shall not be interpreted or applied in any manner that would be inconsistent with any applicable state or federal law or regulation, or increase the legal liability of the County.

Because of the tremendous importance of maintaining a workplace free from any form of discrimination, harassment or retaliation, all new employees will sign acknowledgment of review of this policy and be notified that the policy is available on the website and shall be posted in County workplaces.

III. DEFINITIONS

For purposes of this policy, discrimination, harassment, or retaliation includes the following behaviors:

1. DISCRIMINATION - No County employee, job applicant, volunteer, or person providing services pursuant to a contract, shall be appointed, demoted, removed or in any way favored or discriminated against because of their Protected Status. This prohibition also applies to discrimination based upon the perception that an employee, job applicant, volunteer, or person providing services pursuant to a contract holds one of the protected statuses listed here.
2. HARASSMENT - Depending upon the circumstances, a single act of harassment, as defined below, can violate this policy. Whether the person intended to harass is irrelevant. In addition, harassment that is based upon the perception that an employee, job applicant, volunteer, or person providing services pursuant to a contract holds one of the protected statuses listed in this policy is also prohibited.
 - a. **Verbal Harassment** - Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of a Protected Status, whether made in general, or directed to an individual, or to a group of people. Verbal harassment includes, but is not limited to, inappropriate comments on appearance, including dress or physical features, sexual rumors, code words, and derogatory stories.
 - b. **Physical Harassment** - Impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of a Protected Status. Physical harassment includes but is not limited to pinching, patting, grabbing, inappropriate gestures, or making explicit or implied threats or promises for submission to physical acts.
 - c. **Visual Forms of Harassment** - Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings, images or pictures on the basis of a Protected Status. Visual harassment includes both posted material and material maintained in or on County of Trinity equipment or personal property in the workplace.
 - d. **Sexual Harassment** - Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment. Sexual harassment includes harassment against transgendered persons because of their gender status. Sexual harassment also includes harassment against those who possess traits or conduct themselves in ways traditionally associated with persons of the opposite sex, if the harassment occurs because of those traits or that conduct. All persons are allowed to dress consistently with their gender identity, provided that reasonable workplace appearance, grooming and standards of dress are met.
3. BULLYING: Exposing a person to abusive actions repeatedly over time. Abusive actions shall include actions, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of

- derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.
4. **RETALIATION:** This policy prohibits adverse conduct taken against a person because that person: initiated or pursued a complaint under this policy; filed a complaint of discrimination or harassment with any outside agency; testified in an investigation; or provided information, or assisted in an investigation. "Adverse conduct" includes unprofessional treatment, such as spreading rumors or other detrimental conduct taken because of an individual's involvement in a discrimination or harassment complaint or in an investigation process related to such complaint. The following individuals are protected from retaliation as defined in this policy: those who make good faith reports that harassment or discrimination occurred; those who are accused of harassment or discrimination; and those who associate with an individual who is involved in reporting harassment or discrimination; or those who participate in the Complaint Procedure described in section IV.

IV. COMPLAINT PROCEDURE

1. **CONFRONTATION:** Confronting the offending person can be difficult because of the complex nature of discrimination, harassment, or retaliation as defined in this policy. As a result, individuals are not required to confront an offending party before initiating this complaint procedure. However, if any person feels they are the victim of any form of discrimination, harassment, or retaliation, as defined in this policy, he/she is encouraged to inform the person(s) participating in this behavior that he/she finds it offensive. Such one-on-one communication has been demonstrated to be an effective way to end discriminatory, harassing, or retaliatory behaviors. If the inappropriate behaviors do not stop, the offended employee may still initiate a complaint as described below.
2. **RESPONSIBILITY OF MANAGER/SUPERVISOR TO REPORT:** Any supervisor, manager or department head who observes or becomes aware of possible discriminatory, harassing, or retaliatory behavior or who receives any such complaint must notify the County Personnel Officer or his/her designee immediately. If the complaint arises in the Personnel Department or Risk Management, the County Administrative Officer shall be notified. In that case, all further references in this policy to County Personnel Officer or designee shall read CAO or designee.
3. **FILING OF A COMPLAINT:** Any employee, job applicant, volunteer, or person providing services pursuant to a contract, who believes he/she is a victim of discrimination, harassment, or retaliation, as defined in this policy, should immediately, and preferably no later than thirty (30) calendar days of the alleged incident, contact one of the following:
 - a. Department Head, Manager, non-management employee who supervises ("Supervisor Staff"). (Note that the person need not contact any Department Head who is in his/ her chain of command).
 - b. The County Personnel Officer or his/her designee.
 - c. The County Administrative Officer or his/her designee.
 - d. Risk Management

- e. **Please Note: Persons may, AT ANY TIME, bring a complaint directly to any management employee, regardless of whether that employee is in the complaining party's chain of command, to the Personnel Department, the County Administrative Office, the Fair Employment and Housing Commission or the Equal Employment Opportunity Commission.**

If the County Administrative Officer is contacted, he or she will contact the Personnel Department and/or Risk Management as soon as possible. The Personnel Department and/or Risk Management will provide a Complaint Form to the complainant. This form should be completed, signed and returned to the Personnel Department within five (5) calendar days after issuance. However, the Personnel Department will also process an oral complaint.

Upon receipt of the complaint, the Personnel Department and/or Risk Management will review the complaint to determine if it alleges a violation of this policy. If so, the Personnel Department and/or Risk Management will contact the alleged violator(s) at an appropriate time to inform them of the basis of the complaint, and to provide them an opportunity to respond. The response of the alleged violator(s) should be in writing, addressed to the County Personnel Officer, and received by the Personnel Department and/or Risk Management within ten (10) calendar days after being notified of the complaint. Concurrently, a formal investigation of the complaint may be commenced. The Personnel Department and/or Risk Management may also direct the alleged violators to submit to an interview.

If the Personnel Department and/or Risk Management determines that immediate action should be taken to separate the involved employees, or relieve a volatile situation, the County Administrative Officer or his/her designee shall be notified immediately. The County Administrative Officer or his/her designee is authorized to immediately take all appropriate actions in this circumstance, including, but not limited to, placing employees on paid or unpaid administrative leave.

4. **INVESTIGATION, REPORT AND FINDINGS:** The Personnel Department may investigate the formal complaint by an in-house investigation; or hire an outside consultant to investigate. Such investigation may include interviews with the complainant, the accused harasser(s), and any other persons determined to have relevant knowledge concerning the complaint.

Factual information gathered through the investigation will be reviewed to determine whether the alleged conduct constitutes discrimination, harassment, or retaliation, as defined in this policy. Consideration will be given to all factual information, credibility determinations, and the totality of the circumstances including the nature

of the verbal, physical, visual or sexual conduct and the context in which the alleged incident(s) occurred.

The results of the investigation and the determination as to whether discrimination, harassment, or retaliation, as defined in this policy, has occurred will be reported to appropriate persons in writing including the complainant, the alleged harasser(s), and, if applicable, the appropriate Department Head within thirty (30) working days from the commencement of the investigation. The Personnel Department or Risk Management may also meet with the affected parties to facilitate the return of a professional working environment to the workplace.

5. TIME EXTENSION: The County Personnel Officer may extend the time requirements set forth in this procedure when he/she determines it is in the best interests of fairness and justice to the parties involved.

V. REMEDIAL OR DISCIPLINARY ACTION

If discrimination, harassment, or retaliation, as defined in this policy, is determined to have occurred, the County Personnel Officer shall recommend to the appointing authority prompt and effective remedial action against the offender. Disciplinary action may also be taken against any manager or supervisor who condones or ignores potential violations of this Policy or who otherwise fails to take appropriate action to enforce this policy. The County Personnel Officer shall also advise the County Administrative Officer of this recommendation. Any disciplinary action will be commensurate with the severity of the offense, up to and including termination from employment. If discipline is imposed, the nature and extent of the discipline cannot be divulged to the complainant.

Any official or contractor found to be responsible for violating this policy will be subject to appropriate sanctions.

Employees are encouraged to utilize the Employee Assistance Program (EAP) to obtain advice and counseling. The County Personnel Officer or designee can provide brochures regarding the use of the EAP.

VI. CONFIDENTIALITY

Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state and local laws.

1. The County recognizes that confidentiality is important to all parties involved in a harassment or discrimination investigation. Complete confidentiality cannot occur, however, due to the need to fully investigate and take effective remedial action. As a result, confidentiality will be maintained to the extent possible.

2. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the investigation with anyone other than his/her representative, except as otherwise directed by a supervisor or the Personnel Officer. Any individual who discusses the content of an investigatory interview will be subject to discipline.
3. The County will not disclose a completed investigation report, except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or a court order. The County Personnel Officer will retain investigation reports in a confidential manner for at least five years after the date of completion.

VII. LIMITATIONS

The use of this procedure is limited to complaints related to discrimination, or harassment in the workplace on the basis of a Protected Status, as defined in this policy. All other complaints shall be handled through the Employee Grievance Procedure as established by Trinity County personnel ordinances and the Employer/Employee Relations Policy.

DULY PASSED AND ADOPTED this 15th day of September, 2015 by the Board of Supervisors of the County of Trinity.

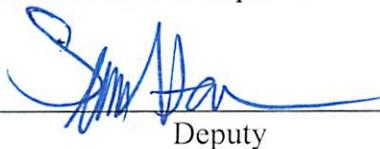


JUDY MORRIS, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

WENDY G. TYLER
Clerk of the Board of Supervisors

By: _____



Deputy



TRINITY COUNTY

COMPLAINT FORM FOR WORKPLACE DISCRIMINATION, HARASSMENT, RETALIATION AND BULLYING

NAME: _____ JOB TITLE: _____

HOME TELEPHONE: _____ CELL NUMBER: _____ WORK NUMBER: _____

BASIS OF COMPLAINT: Discrimination Harassment Sexual Harassment Bullying

Date of alleged act: _____ Parties involved: _____

Described alleged discriminatory/harassing act and any harm it caused you: _____

Attach additional sheets and documents as needed. Number of pages attached: _____

Please indicate the factor(s) on which you believe the action taken against you was based:

Race Color Religion National Origin Ancestry Gender Sex
 Disability Medical Condition (cancer related/genetic characteristics) Pregnancy Age
 Marital Status Sexual Orientation Veteran Status Other (Specify): _____

How did the factor(s) checked above influence the action(s) taken against you?

Discriminatory practice/harassment is charged in: (Check all that apply)

Recruitment Hiring/Selection Promotion Personal Treatment on job
 Termination Layoff Other (Specify): _____

Alleged action was reported to: _____ on _____ (date).

Name, position and telephone number of County employee(s) who witnessed the actions alleged in your complaint: _____

How is each person named above knowledgeable regarding this matter?: _____

CERTIFICATION AND AUTHORIZATION: I certify that the information supplied is true and correct to the best of my knowledge. My signature hereby authorizes the County to obtain all essential information in the investigation of my complaint, including accessing my personnel file, and if necessary to share this information with other parties in resolution of this complaint.

Complainant Name: (PRINT) _____

Signature _____

Date _____



TRINITY COUNTY

ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING OF POLICY AGAINST WORKPLACE DISCRIMINATION, HARASSMENT, RETALIATION AND BULLYING

I acknowledge that I have been given the opportunity to review the County's Policy Against Workplace Discrimination, Harassment, Retaliation and Bullying ("Policy"). I have read and understand my responsibilities under the Policy, and I agree to abide by it. I understand that I will be subject to discipline for violating this Policy, or subject to other appropriate sanctions for failing to fulfill my responsibilities as outlined in this Policy.

I understand that the Policy is available for my review at any time on the County's website. If I have trouble accessing the Policy, I will contact the Personnel Department.

I understand that the County strongly encourages all individuals to use the Complaint Procedure described in this Policy to make good faith reports of potential violations. I understand that I have a duty to cooperate with, and to answer truthfully and fully in any investigation undertaken to enforce this policy.

Print Name _____

Signature _____

Date _____