
**STOREY COUNTY ADMINISTRATIVE
POLICIES AND PROCEDURES**

NUMBER: 203
EFFECTIVE DATE: 05/19/08
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AUTHORITY: BOC
COUNTY MANAGER: AO

**SUBJECT: DEALING WITH ALLEGATIONS OF DISCRIMINATION AND/OR
PROHIBITED CONDUCT/BEHAVIOR(S)**

I. Process:

Employees or applicants who believe they are being discriminated against or subjected to any form of prohibited conduct/behavior(s) as described in this policy by another (e.g. employee, client, customer, vendor, contractor, etc.) because of their race, color, religion, age, gender, sexual orientation, national origin, ancestry, disability, veteran status, genetic information, or domestic partnership, as well as those who believe they have witnessed another employee, client or member of the public being subjected to prohibited conduct/ behavior(s), have an affirmative duty to bring the situation to the attention of the employer. Employees covered by a collective bargaining agreement may opt to use the process described in this policy or in an applicable grievance procedure delineated by their collective bargaining agreement, but may not use both.

II. Employee Responsibilities:

Employees who believe they personally are being or have been subjected to prohibited conduct/behavior(s) and/or are the target of any form of prohibited conduct/behavior(s), or have witnessed any other employee being subjected to these behaviors, should immediately:

1. Identify the offensive conduct/behavior(s) to the alleged harasser and request that the behavior cease.

Note: An employee is NOT required to talk directly to the alleged harasser or to the employee's supervisor. It is critical, however, that the employee contacts one of the individuals listed in sections 2 or 3 below if s/he believes s/he is being targeted or has witnessed what the employee believes to be prohibited conduct/behaviors(s) directed to or committed by another employee(s), client(s), customer(s), vendor(s), contractor(s), etc.

2. If the employee feels uncomfortable in speaking directly to the alleged harasser or if the employee requested the prohibited conduct/behavior(s) to cease, but the request did not produce the results desired, the employee should report the conduct/behavior(s) as soon as possible to a supervisor or manager or to the employer's designated EEO Officer or the HR Director.

3. Employees who believe the EEO Officer has engaged in prohibited conduct/behavior(s) should bring such concerns to the attention of the alternate EEO Officer or to the County Manager. Employees may also report the conduct/behavior(s) to any County Commissioner or the county's District Attorney. In either case, the recipient of the request will designate an objective person to conduct an independent impartial investigation into the allegations.
4. An employee who witnesses or obtains information regarding prohibited conduct/behavior(s) by his/her immediate supervisor is required to report the incident to the EEO Officer or HR Director, or otherwise as described in subsection (3) above.
5. Applicants are encouraged to contact the designated EEO Officer or the alternate.

III. Supervisor/Manager Responsibilities

Regardless of whether the employee involved is in the supervisor's or manager's department and regardless of how s/he became aware of the alleged prohibited conduct/behavior(s), all supervisors and managers must immediately report all allegations or complaints or observations of such conduct/behavior(s) to the EEO Officer, HR Director, Elected Official, Department Head, or County Manager. The information must include:

1. The persons(s) involved, including all witnesses;
2. A written record of specific conversations held with the accused and any witnesses; and
3. All pertinent facts, including date(s), time(s), and locations(s).

A supervisor's or manager's failure to immediately report such activities, complaints, or allegations will result in discipline, up to and including termination.

IV. Investigation

Upon being made aware of allegations or complaints of prohibited conduct/behavior(s), the employer will ensure that such allegations or complaints are investigated promptly. The employer treats all allegations or complaints seriously and expects all employees to be candid and truthful during the investigation process.

The employer will make efforts to ensure that all investigations are kept as confidential as reasonably possible. Employees will be requested to refrain from discussing the subject content with others, particularly while the investigation is in progress. Employees may be required to provide information to regulatory agencies and/or the employee's union representative or attorney.

The employer will release information obtained only to those individuals necessarily involved in the investigation and the administration of the complaint with a business need-to-know, or as required by law.

The employer will communicate to the individual who made the initial complaint, as well as the individual against whom the complaint was made that the investigation is complete, the employer took the complaint seriously, and that the employer took appropriate action. The employer is not obligated to disclose to the complainant what actions were taken against the accused.

If evidence arises that a participant in the investigation made intentionally false statements, that employee will be disciplined, up to and including possible termination.

If it is determined that a violation of this policy has occurred, the employer will take remedial action against the perpetrator commensurate with the severity of the offense. Such remedial action may include, but is not limited to, counseling, verbal warning, written reprimand, transfer, demotion, suspension without pay, and/or termination. The employer will also initiate action to deter any future prohibited conduct/behavior(s) from occurring.

With regard to disability-related complaints, the EEO Officer (when appropriate, working with the supervisor and/or the complainant) shall propose a resolution to the complaint based upon the findings of such investigation. Such resolution will include reasonable accommodation when the employer determines that such a reasonable accommodation can be provided by the employer.

V. Training

The employer will provide training every two years to all employees on the prevention of discrimination and prohibited conduct/behavior(s) in the workplace. All new employees will be provided a copy of this policy upon hire and the contents will be discussed during the new hire orientation process. New employees will participate in training on the prevention of discrimination and prohibited conduct/behavior(s) as part of the new-hire orientation process. A copy of this policy will be made available to applicants upon request.

VI. Prohibition Against Retaliation

Retaliation is adverse treatment which occurs because of opposition to prohibited conduct/behavior(s) in the workplace. The employer will not tolerate any retaliation by management or by any other employee against an employee who exercises his/her rights under this policy. Any employee who believes s/he has been harassed, retaliated or discriminated against in any manner whatsoever as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigative process, should immediately notify the EEO Officer or the alternate. The employer will promptly investigate and deal appropriately with any allegation of retaliation.

VII. RESPONSIBILITY FOR REVIEW: The County HR Director will review this policy every 5 years or sooner as necessary.