Personnel Policy No. 3202	**Workplace Harassment**

Approved: DRAFT

Resolution No. _____

1. **PURPOSE:** Gratiot County is committed to providing a work environment where all employees are treated with dignity and respect. The environment of Gratiot County should be characterized by mutual respect and the absence of intimidation, hostility, and demeaning conduct. The accomplishment of this goal is essential to the mission of Gratiot County. For that reason, harassment in the workplace based upon race, creed, color, sex, age, national origin, religion, marital status, height, weight, disability, sexual orientation, gender identity or any other protected status will not be tolerated, whether committed by or directed toward co-workers, supervisors, vendors, consultants, or those persons receiving services from the County. Through enforcement of this policy and by education of its employees, Gratiot County will seek to prevent, correct, and discipline conduct that contravenes this policy. Harassment of others in the workplace is destructive to a good working relationship and is counterproductive to the County's goal of providing outstanding services to the public. Therefore, it is the responsibility of every employee to ensure that Gratiot County maintains a fair and effective work environment that is free from harassment.

2. **AUTHORITY:**

   2.1 Authority to establish rules and regulations in reference to the management of the interest and business concerns of the county is vested with the Gratiot County Board of Commissioners (MCL 46.11(m)).

   2.2 The Elliott-Larsen Civil Rights Act guarantees the opportunity to obtain employment and public service without discrimination because religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, familial status, or marital status (MCL 37.2101 *et seq.*).

   2.3 The Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, or national origin, and provides for remedies in cases of unlawful discrimination (42 U.S.C. § 2000e–3).

   2.4 The Age Discrimination in Employment Act states it is unlawful for an employer to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age (29 U.S.C. § 623).

   2.5 The Americans with Disabilities Act provides clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities (42 U.S.C. § 12101).

3. **APPLICATION:** This policy shall apply to all County officials, employees, agents, and volunteers with driving duties.

4. RESPONSIBILITY: The County Administrator, elected officials, and department heads shall be responsible for the implementation and administration of this policy.

5. DEFINITIONS:

5.1 ***"Department head"*** refers to the leader, manager, or chief of a specific division or unit of County government responsible for the overall supervision, direction, coordination and evaluation of activities within their department.

5.2 ***"Employee"*** means all persons employed by Gratiot County.

5.3 ***"Other discriminatory harassment"*** includes verbal or non-verbal conduct that exhibits hostility or disrespect toward an individual or group because of race, religion, national origin, color, gender, age, marital status, height, weight, disability, sexual orientation, gender identity, or any other protected classification.

5.4 ***"Sexual harassment"*** means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions or such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment. Sexual harassment includes verbal, nonverbal, and physical conduct.

Sexual harassment is divided into two categories:

5.4.1 ***"Quid Pro Quo harassment"*** occurs when employee benefits such as raises, promotions, and better working conditions are directly linked to compliance with sexual advances, or capitulation to sexual demands, by someone in a supervisory capacity or who otherwise has the authority to grant such benefits. It is akin to sexual coercion.

5.4.2 ***"Hostile Work Environment"*** is defined as severe or pervasive verbal, non-verbal, or physical conduct of a sexual nature that is unwelcome, and which substantially and unreasonably interferes with an employee's work performance by creating an intimidating, hostile, or offensive work environment.

6. POLICY:

6.1 Sexual Harassment. It is expected that every Gratiot County employee will exhibit, in his or her conduct and communications, sound judgment and respect for the feelings and sensibilities of each employee. Prohibited conduct may be in the form of a sexual advance but may also be in the form of less direct verbal or non-verbal behavior. Behavior may be unwelcome even if it is not intended or perceived as such by the person engaged in it. The following are some examples of possible sexual harassment:

6.1.1 Verbal sexual comments, innuendoes, slurs or jokes.

6.1.2 Non-verbal sexual gestures, leering or staring.

6.1.3 Visual displaying sexual pictures, writings, or objects.

6.1.4 Physically inappropriate touching, blocking someone's movement.

6.1.5 Threats or insinuating reprisal for refusing sexual demands or conduct.

6.2 Other Discriminatory Harassment. Other forms of harassment are also prohibited. Verbal, non-verbal, or physical conduct that exhibits hostility or disrespect toward an individual or group because of race, religion, national origin, color, gender, age, marital status, height, weight, disability, sexual orientation, gender identity or any other protected classifications will not be tolerated. As with sexual harassment, behavior of this kind may take several forms including but not limited to; oral or written communications, the display of printed or graphic material, slurs, gestures, jokes and physical acts.

6.3 Incident Reporting Procedure. Any employee who believes he or she has been the subject of any harassment is encouraged to report the incident immediately to his or her supervisor or an alternative person as designated by Gratiot County. The employee's supervisor shall then immediately notify the next level supervisor and/or the County Administrator's Office of the complaint. A complaint may be reported by an employee who was not the target of harassment or retaliation. The complaint will be investigated promptly and thoroughly.

6.3.1 The employee should report complaint initially to either his or her immediate supervisor or someone in a human resources or management position. The entity, or its designee, will investigate the complaint and prepare a written report. A written response shall be given to the employee as to the findings of the investigation.

6.3.2 Where the immediate supervisor was: (1) alleged to have been a participant in the prohibited activity; (2) condoned the activity; (3) failed to respond in writing within a reasonable period of time without good cause; or (4) the response is unsatisfactory, the employee may at his or her choosing, bypass the immediate supervisor and report directly to the County Administration Office or an alternative person as designated by the County to handle the complaint.

6.3.3 In those situations where a violation has occurred, immediate action, as deemed appropriate under the circumstances, will be taken to remedy the situation. Further steps will be taken to discourage or prevent future occurrences.

6.3.4 All complaints, and the actions taken to resolve such complaints, will be treated as confidentially as possible, and will be disclosed only when necessary to the investigation and a resolution of the matter. However, no employee is promised strict or absolute confidentiality.

6.3.5 If an investigation of the complaint of harassment or unlawful discrimination reveals that the complaint was frivolous or not made in good faith, or that an employee has provided

false information regarding the complaint, disciplinary action up to and including discharge may be taken against the individual who reported the complaint or who provided the false information.

6.4 Protection against Retaliation. The above policy not only strictly prohibits harassment but also prohibits any retaliation against an employee who has filed a complaint pursuant to the policy or has assisted or participated in a complaint investigation. Any supervisor, agent or employee who is found to have taken actions determined to be retaliatory in nature against a complainant shall be subjected to immediate discipline, up to and including immediate discharge. Any person who believes he or she experienced retaliation for exercising his or her rights under this policy is encouraged to report it immediately.

6.5 It is expected that all employees willfully adhere to the policies and practices set forth above. Any employee who believes he or she is, or may be, subjected to objectionable conduct is encouraged to report it immediately, regardless of who is creating the situation. Any employee or supervisor who violates this policy may be subject to discipline, up to and including discharge. Reasonable accommodation will be provided, upon request, for persons with disabilities who need assistance filing or pursuing a complaint of harassment.

7. **ADMINISTRATIVE PROCEDURES:** The County Administrator shall be responsible for the development, revision, and implementation of any associated administrative procedures not already stated in this policy.

8. **ADMINISTRATOR AND LEGAL COUNSEL REVIEW**: The County Administrator shall approve all new and amended policies as to substance. County Counsel shall approve all new and amended policies as to legal content. These approvals shall accompany draft policies and amended policies submitted to the Board of Commissioners for consideration.