

PURPOSE:

The purpose of this administrative regulation is to establish official County policy prohibiting harassment. All County employees will be able to work in an environment free of discrimination and any form of harassment, based on race, color, religion, age, sex, national origin, disability, marital or other protected status.

POLICY:

Citrus County will not tolerate any harassing or discriminatory behavior or actions on the part of employees, supervisor or managers. Any individual who engages in any type of harassing or discriminatory practice will be subject to disciplinary action, up to and including termination. All complaints will be acted upon swiftly as to not discourage individuals who may be subject to these types of practices from coming forward. It is the Administrators desire to make a workplace free of any type of harassing or discriminatory practices. Administration does not know when these types of practices are occurring and should be made aware of them.

I. Definitions

Complaint – The oral or written report of alleged sexual harassment or discrimination to a management official.

Complainant – The person(s) filing a complaint of sexual harassment or discrimination.

Respondent – The person(s) alleged to have committed sexual harassment or discrimination.

Management Official – Any one or more of the following: complainant's immediate Supervisor, Division Director, Human Resources Director, and Department/Office Director, Deputy County Administrator, County Administrator or County Attorney.

Harassment – A form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

Harassment is unwelcome conduct that is based on race, color, sex, religion, national origin, disability, and/or age. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

Sexual Harassment - Any form of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) Submission to the conduct is made explicitly or implicitly a term or condition of employment; (b) Submission to or rejection of the conduct is used as the basis for an employment decision; or (c) The conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working relationship. Sexual harassment can come from anyone, no matter their gender. Actions which might be considered sexual harassment include, but are not limited to:

- a. Verbal statements such as jokes, innuendo, intimidation and/or physical conduct of a sexual nature.
- b. Unwelcome sexual advances, propositions, and/or innuendoes that create hostile working conditions.
- c. Display in the workplace of sexually suggestive or explicit objects, pictures or drawings and/or denigrating written or graphic material posted or circulated in the workplace.
- d. Any other graphic or physical conduct relating to a person's gender.

Discrimination – With regards to employment practices, any denial of equal treatment of any employee or applicant, related to his/her race, color, gender, religion, national origin, age, marital status, or disabled status. Actions which might be considered discriminatory include, but are not limited to:

- a. Any slurs, jokes, epithets, negative stereotyping, threats, intimidation, hostile acts.
- b. Any denigrating or hostile written or graphic material posted or circulated in the workplace.
- c. Any other graphic or physical conduct relating to an individual's race, color, gender, religion, national origin, age, familial status or disability.

Cause and No Cause Letters – Letters that identify the final findings of the Resolution Administrator.

II. RESPONSIBILITY AND DUTIES

All Complaints of discrimination harassment or sexual harassment shall be taken as formal complaints and processed in accordance with this policy.

Management Officials, having been advised of alleged discrimination harassment or sexual harassment as defined in this policy shall, within one (1) working day, review the allegations with the Deputy County Administrator for remedial actions. Failure to do so shall subject the management official to disciplinary action.

III. STANDARDS/PROCEDURES

Employees, applicants and other persons may opt to file complaints with the Florida Commission on Human Relations (FCHR) or the Equal Employment Opportunity Commission (EEOC). Management Officials receiving FCHR or EEOC complaints shall immediately forward them to the Deputy County Administrator for an official agency response.

Internal complaints can be oral or written and should be filed with any of the management officials within 365 days of the most recent alleged act of discrimination harassment or sexual harassment. To the fullest extent possible, the County will protect the confidentiality of harassment complaints.

Once a complaint is filed, it will be investigated and will not be allowed to be withdrawn. Any person who coerces, or attempts to coerce, a withdrawal of a complaint shall be subject to disciplinary action, up to and including termination.

Any complainant who files a false complaint of any type of harassment will shall be subject of disciplinary action, up to and including termination.

It is an unlawful employment practice to discriminate against or take retaliatory action against any person, because that person opposed an employment practice; filed a complaint; has testified or participated in any manner in an investigation, proceeding or hearing relating to sexual harassment or discrimination harassment. Any individual who subjects any person who filed a reasonably founded complaint to any retaliatory action will be subject to disciplinary action, up to and including termination.

A. Filing the Complaint

Complainant

1. Makes a verbal statement or submits a written statement alleging discrimination harassment or sexual harassment to a management official.

It is understood that the complainant need not go through their chain of command in the event that someone in their chain of command is the subject of the complaint.

It should also be understood that a complainant should not assume County Administration is aware of problems and that the complainant should file a complaint as appropriate.

Management Official

1. Receives complaints and contact the Deputy County Administrator within one (1) working day of receipt, for guidance in addressing the complaint.

Deputy County Administrator

1. Assesses whether the complaint appears to rise to the level of discrimination harassment or sexual harassment.
2. Appoint an official to investigate the allegations within two (2) days of receiving the complaint, when the complaint appears to rise to the level of discrimination harassment or sexual harassment.
3. Advises the complainant, respondent and appropriate supervisors of potential alternative resolutions, when the complaint does not appear to rise to the level of discrimination harassment or sexual harassment.

B. Investigating the Complaint

Investigator

1. Makes a good faith effort to complete the investigation in a timely manner that allows for the adequate examination of the allegations, but not to exceed 10 working days. If additional time is needed, approval must be obtained from the Deputy County Administrator.
2. States the findings and conclusions in the investigative report.

Management Official

1. Takes precautionary or remedial measures to ensure that there is not further alleged misconduct by the Respondent towards the Complainant during the investigation.

Deputy County Administrator

1. Reviews the completed investigative report and forwards to the appropriate Division or Department/Office Director for corrective or disciplinary action as appropriate.

C. Disposing of the Complaint

Deputy County Administrator

1. Reviews and assesses the findings of the investigative report.
2. Determines whether there is
 - (a) “cause” to substantiate the allegations of sexual harassment or discrimination harassment has occurred
 - (b) “no cause but other misconduct has occurred”
 - (c) “no cause” to substantiate the allegation of sexual harassment, discrimination harassment or other misconduct.

Respondent’s Division or Department/Office Director

1. Process and conduct the appropriate disciplinary or corrective action based upon a “cause” determination or a determination that other misconduct has occurred.

D. Closing the Complaint File

Human Resources Office

1. Notifies the complainant and respondent, in writing, of “no cause” determination.
2. Notifies only the complainant, in writing, of “cause” or “no cause but other misconduct has occurred” determination.
3. Places a copy of “no cause” to substantiate the allegation of sexual harassment or discrimination or other misconduct letter in the complaint file and in the investigation file within the office.
4. Officially closes the “no cause” complaint file.
5. Places a copy of the final disciplinary action in the file where there is a “cause” to substantiate the allegations of sexual harassment or discrimination harassment has occurred finding or a finding of “no cause but other misconduct has occurred”.
6. Officially closes the complaint files where there is a “cause” or “no cause but other misconduct has occurred”.

IV. Training

This policy will be a subject of mandatory training at new employee orientation and on a County wide basis at least every two years.

Additionally, all individuals who are either hired in a supervisory capacity or promoted to a supervisory capacity will be required to undergo mandatory training within one month of assuming supervisory duties.

V. Harassment by Non-employees

The County does not condone harassment of its employees in connection with their work by non-employees (general public, vendors, truck drivers, customers, etc.). Any employee who becomes aware of any harassment of an employee by another employee or a non-employee should report such harassment to his/her Supervisor, Division Director, Human Resources Director, any Department/Office Director, Deputy County Administrator or County Administrator. Appropriate action will be taken to remedy the situation.

FOOTNOTES & REFERENCES TO RELATED AR's: Supersedes Administrative Memo 92-02; AR 7.20 dated January 26, 1999.