

SEXUAL HARASSMENT POLICY

The County of Kings is committed to providing a work environment that is free from unlawful discrimination, including sexual harassment, in accordance with applicable state and federal law. It is the policy of the County of Kings that sexual harassment is unacceptable conduct in the workplace and that sexual harassment by any employee, supervisor, manager, official or nonemployee, male or female, of another person will not be tolerated. Sexual harassment constitutes unlawful sex discrimination and is grounds for disciplinary action up to and including termination.

15010 Definition

Sexual harassment is prohibited behavior as defined in Section 15020 below when:

- 15010.1 Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or;
- 15010.2 Submission to or rejection of such conduct is used as the basis for employment decisions, or;
- 15010.3 Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

15020 Prohibited Behavior

Sexual harassment refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with work effectiveness. The victim defines what is unwelcome. Behavior that constitutes sexual harassment includes, but is not limited to:

- 15020.1 Unwanted Sexual Advances
Continuing to express sexual interest after being informed or otherwise made aware that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment.)
- 15020.2 Favors
Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

- 15020.3 Reprisals
Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response to sexual advances. For example, either threatening to withhold or actually withholding support for an appointment, promotion, or change of assignment, or suggesting that a poor performance appraisal will be given.
- 15020.4 Visual Conduct
Leering, sexual gestures, display of sexually suggestive objects or pictures, cartoons, posters, magazines, or other materials.
- 15020.5 Verbal Conduct
Making or using derogatory comments, slurs, jokes or epithets or verbal sexual advances or propositions.
- 15020.6 Verbal or Written Abuse
Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations.
- 15020.7 Physical Conduct
Any offensive or uninvited touching, brushing against, or impeding or blocking movement.

15030 Prohibited Supervisory Behavior
The following behavior by County officials and supervisory employees shall constitute grounds for disciplinary action:

- 15030.1 Failing to Take Corrective Action
Failing to take corrective action when the officials or supervisory employees know, or have reason to know, that an employee in the line of supervision of the official or supervisor is being subjected to sexual harassment on the job by anyone; or,

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15030.2 Retaliation
Retaliation against an employee or applicant for employment who complained of sexual harassment, or who testified on behalf of one who made a complaint, or who assisted or participated in any manner on behalf of a complainant in an investigation, proceeding or hearing conducted under this policy.

15040 Department Responsibility
Every department has an obligation to assure that the work environment is free from all types of unlawful discrimination, including sexual harassment. Prompt, appropriate action to prevent occurrence of sexual harassment is expected.

Department heads, other managers and supervisors are responsible for the on the job actions of their employees. Department heads shall ensure that employees, supervisors and managers are aware of the County's policy. Supervisory training and employee orientation programs shall include information about the County's sexual harassment policy.

15050 Employee Responsibility

15050.1 It is the responsibility of each employee to insure strict adherence to the policy.

15050.2 Some people are not aware that their behavior is offensive or potential harassment. Often, simply advising someone of the offensive nature of her/his behavior can resolve the problem. The first course of action should be to inform the harassing party that his or her behavior is unwelcome, offensive, in poor taste or highly inappropriate. If this does not resolve the matter or if an employee feels uncomfortable, threatened, or has difficulty expressing his or her concern, the complaint procedure shall be used.

15060 Complaint Procedure

The County recognizes that the question of whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect, requires a determination based on all facts in the matter. Given the nature of this type of discrimination, the County also recognizes that false accusations of sexual harassment can have serious effects on innocent individuals. All County employees shall act responsibly to establish and maintain a pleasant working environment, free of all discrimination, for all. The County encourages any employee to raise questions regarding discrimination or affirmative action with the Personnel Department. Any person who believes he or she has been the subject of sexual harassment shall report the alleged act immediately to his or her supervisor, department head or the Personnel Department.

15060.1 Notification of Complaint

A supervisory employee receiving a complaint of sexual harassment shall immediately inform the Department Head and/or the Personnel Department. All departments will promptly notify the Personnel Department of any sexual harassment complaint received which is not resolved at the departmental level.

15060.2 Confidentiality

All complaints will be treated seriously and handled in a timely and confidential manner. In no event will information concerning a complaint be released by the County to third parties or to anyone within the County who is not involved with the investigation. The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any incidents of sexual harassment, and to protect the reputation of any employee wrongfully charged with sexual harassment.

15060.3 Investigation

The Personnel Director, or designee, will have full authority to investigate all aspects of the complaint. Investigation of a complaint will normally include conferring with the parties involved and any apparent witnesses. All employees shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in an investigation.

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15060.4 Results

If the investigation reveals that the complaint is valid, prompt attention and action designed to stop the harassment immediately and to prevent its recurrence will be taken. Disciplinary action up to and including dismissal will be taken upon a finding that a County official or employee has engaged in prohibited sexual harassment as defined herein.

15070 Notification of Policy

The sexual harassment policy bulletin shall be displayed on all official County and department bulletin boards. A copy of the sexual harassment policy bulletin shall be given to all new employees. Periodic training will be conducted regarding the County's policy on sexual harassment and procedures to follow if it occurs. Such training shall be mandatory and ongoing.

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SEXUAL HARASSMENT POLICY BULLETIN

It is the policy of the County of Kings to provide employees a working environment free of unlawful discrimination - including sexual harassment. It is illegal and against Kings County policy for any official or employee, male or female, to sexually harass another person. The work environment should be businesslike and assure fair, courteous treatment for employees and the public we serve. Employees or officials committing or condoning acts of sexual harassment may be held personally liable for such acts. Sexual harassment is defined as 1) making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of continued employment, 2) making submission to or rejection of such conduct the basis for employment decisions, or 3) creating an intimidating, hostile, offensive or abusive environment by such conduct.

All employees will be informed of the discrimination complaint process and be assured of their right to file complaints without fear of reprisal. All employees, including supervisors and managers, will be trained regarding behavior that constitutes sexual harassment and the importance of reporting incidents promptly to assure that further incidents do not occur.

Incidents of sexual harassment must be reported immediately to the supervisor, department head and/or Human Resources. All complaints will be investigated. Any person who has been found, after appropriate investigation, to have sexually harassed another, will be subject to discipline up to and including termination of employment.

County department heads shall convey to their employees strong disapproval of sexual harassment. All supervisory and management personnel shall be informed of their responsibilities regarding this policy. All employees shall be informed regarding behavior that constitutes sexual harassment and the consequences of such actions. This policy bulletin shall be distributed to all employees and posted in all County departments.

The above is intended as a summary of the comprehensive Sexual Harassment Policy. Employees and other interested persons are urged to request and review the entire Sexual Harassment Policy (Chapter 15 of the Personnel Rules). Copies are available in each department and from Human Resources.

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I have read and understand the above Sexual Harassment Policy Bulletin.

Name (**please print legibly**)

Date

Signature