

Subject: UNLAWFUL DISCRIMINATION AND/OR HARASSMENT

Date: March 28, 2018

Pages: 1 of 2

Replaces Policy Dated: September 6, 2000

PURPOSE: To establish a policy prohibiting unlawful discrimination and/or harassment in the workplace and provide a method by which claims may be investigated and resolved.

SCOPE: The policy applies to all applicants, employees, and Elected Officials throughout every aspect of the employment relationship.

STATEMENT OF POLICY: Pinal County prohibits unlawful discrimination and/or harassment by any Pinal County employees.

DEFINITIONS:

- A. Harassment- Verbal, physical, or visual conduct based on or motivated by a person’s race, color, religion, gender, national origin, age or disability that creates an intimidating, hostile, or offensive work environment or that unreasonably interferes with an employee’s work performance. Examples of conduct that may constitute harassment include, but are not limited to, the use of racial, religious, disability or gender-based slurs, epithets or negative stereotyping, the use of socially unacceptable words at the workplace (even between employees of the same racial, ethnic, or religious group or gender), or written materials that show hostility because of race, color, religion, national origin, age or disability.

- B. Sexual Harassment- Unwelcome sexual advances, requests for sexual favors, verbal and physical conduct of a sexual nature regardless of the gender of the victim or perpetrator when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or

 - 2. Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individual; or

 - 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. Examples include, but are not limited to, lewd or sexually suggestive comments, off-color language or jokes of a sexual nature, slurs and other verbal, graphic or physical conduct relating to an individual's gender, or any display of sexually explicit pictures, cards, articles, books, magazines, photos, cartoons, or any other such material.

- C. Hostile Work Environment- When an employee experiences workplace harassment and fears going to work because of the offensive, intimidating, or oppressive atmosphere generated by the harasser.

D. Quid Pro Quo - An exchange of acts or things, something for something.

For example: where a boss conveys to an employee that he or she will base an employment decision, e.g. whether to hire, promote, or fire that employee, on the employee's satisfaction of a sexual demand.

E. Retaliation- An adverse job action because he or she has complained of, given a statement or participated in a harassment or discrimination investigation.

PROCEDURE:

An employee should take complaints or allegations of any form of discrimination or harassment directly to their supervisor, Human Resources Director or designee. Elected Officials, Department Directors or Supervisors who receive complaints or allegations of prohibited harassment or discrimination must immediately inform the Human Resources Department.

The Human Resources Director may expedite an investigation into the allegations. However, not all complaints or allegations referred to an Elected Official or Department Head's attention require an administrative investigation. Whether an administrative investigation is warranted will be at the discretion of the Human Resources Director in conjunction with Pinal County Attorney's Office.

Confidentiality of all parties involved shall be respected to the extent that it does not interfere with the County's legal obligation to investigate allegations of misconduct and to take appropriate action. The results of the investigation shall be submitted to the Human Resource Director, or designee and the County Attorney's office, which shall review the report and recommend disciplinary action to the County or Elected Official.

Employees and volunteers must attend unlawful harassment and retaliation training provided by Pinal County as part of the new employee hiring process.

Prohibition Against Retaliation

Pinal County provides a variety of avenues for employees to report good faith concerns about potentially inappropriate workplace conduct or behavior without retaliation or intimidation.

In accordance with federal and state laws, Pinal County prohibits any form of unlawful retaliation or intimidation against any person for making good faith reports concerning allegations of discrimination, harassment, or any other allegations of inappropriate workplace behavior or conduct.