

What Are The Consequences Of Retaliation?

Retaliation against an employee or job applicant for reporting an allegation of sexual harassment or for participating in the Civil Service Rule 20 process, even if he/she is just a witness, is prohibited and corrective action up to, and including termination, shall be taken against any individual in violation of the County's policies.

Is There An External Complaint Process?

An employee may report the conduct to an external governmental agency, such as the California Department of Fair Employment and Housing (DFEH) (800) 884-1684, or the Equal Employment Opportunity Commission (EEOC) (800) 669-4000, at any time before, during or after use of the Civil Service Rule 20 process.

The following information can be obtained through the County EEO Office Web site at: <http://www.sjgov.org/eoo/>, or by contacting the County EEO Office at (209) 468-3374:

- County Harassment-Free Work Environment Policy
- County Equal Employment Opportunity (EEO) Policy
- County Civil Service Rule 20
- County Discrimination Complaint Form
- Civil Service Commission Request For Appeal Form
- Listing of County Department EEO Coordinators



San Joaquin County
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SAN JOAQUIN COUNTY



SEXUAL HARASSMENT IN THE WORKPLACE

What Is Sexual Harassment?

Sexual harassment is a form of sex discrimination that is prohibited under Title VII of the Civil Rights Act of 1964, California Fair Employment and Housing Act, and San Joaquin County Equal Employment Opportunity (EEO) Policies. In general, any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Federal and state laws prohibit two generally recognized forms of sexual harassment: **quid pro quo and hostile environment**.

"Quid pro quo" is a Latin phrase meaning, "this for that." Typically it occurs when a person in a position of power pressures another person to meet his or her sexual demands in exchange for receiving a term or condition of employment, such as a promotion, transfer, or the job itself.

"Hostile environment" sexual harassment entails unwelcome sexual conduct that unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment. One episode of such behavior, although offensive, would not likely constitute unlawful sexual harassment; however, when the behavior occurs so frequently that it is pervasive, a hostile environment may exist.

Examples of sexual harassment include, but are not limited to:

- Verbal conduct such as sexual advances or propositions, vulgar or obscene language, epithets, derogatory or insulting comments, taunting, heckling, unwanted sexual comments or sexual jokes, graphic verbal

comments about an individual's body, sexually degrading words used to describe an individual;

- Physical conduct such as impeding or blocking movement, unwelcome touching of a sexual nature;
- Visual conduct such as leering, making sexual gestures, displaying of sexually suggestive objects or pictures, derogatory or sexually oriented posters, photographs, letter or other writings, emails, cartoons or drawings.

What Are The Responsibilities Of Employees And The County?

An employee who believes he/she has been a victim of sexual harassment is strongly encouraged to immediately report the conduct to the appropriate supervisor, manager, Department EEO Coordinator, Department Head, or to the County EEO Office.

It is an employee's right to raise the issue of sexual harassment. Managers and supervisors shall ensure that employees in their areas of responsibility are informed of their rights to a harassment-free work environment, and of the appropriate steps to take if they believe that these rights have been violated. Any member of County management or supervisory personnel who receive a report involving potential sexual harassment is responsible for recording adequate information for conducting an inquiry, and making immediate contact with the appropriate Department EEO Coordinator or County EEO Office. Complaints of sexual harassment from employees shall be processed in accordance with Civil Service Rule 20.

What Is The County's Internal Complaint Process?

The County's internal process for resolving and investigating complaints of sexual harassment is outlined in Civil Service Rule 20. Civil Service Rule 20 is a 3-step process: Informal Complaint, Formal Complaint, and Appeal Hearing Process.

In order to file a complaint of sexual harassment, an employee must report the conduct to the appropriate Department EEO Coordinator within 60 days of the occurrence. Job applicants report complaints directly to the County EEO Office within 60 days of the occurrence. The Department EEO Coordinator who receives a complaint of sexual harassment will undertake efforts to informally resolve the complaint.

If a sexual harassment complaint is not resolved through the informal complaint process, or if the Complainant is not satisfied with the results of the informal complaint process, the Complainant may proceed to **Step 2** by filing a formal written complaint with the County EEO Office within 15 days of notice of the results of the informal complaint process. A formal complaint shall be in writing and should be filed on the County's Discrimination Complaint Form. This form is available through a Department EEO Coordinator or from the County EEO Office.

Under certain conditions, if a sexual harassment complaint is not resolved through the formal complaint process, the Complainant may proceed to **Step 3**, by filing a request for an appeal with the Civil Service Commission who may hold a hearing on the appeal.

What Does The County Do To Prevent Sexual Harassment?

It is important that all employees are made aware of what sexual harassment is, and the implications of engaging in such behavior. This is done through mandatory attendance at a County-sponsored sexual harassment workshop and by becoming familiar with the County's Harassment-Free Work Environment Policy and Civil Service Rule 20.