

**SAN JOAQUIN COUNTY
HARASSMENT-FREE WORK ENVIRONMENT POLICY**

#2576

A. PURPOSE

San Joaquin County values each employee and strives to provide a nurturing environment where there is mutual respect and support. To foster such an environment, the County is committed to maintaining an environment that is free from harassment because of an employee's age, ancestry, color, creed, marital status, medical condition (cancer or genetic characteristics), national origin, physical or mental disability, political affiliation or belief, pregnancy, race, religion, sex or sexual orientation.

B. DEFINITIONS

San Joaquin County defines harassment as behavior that intimidates, threatens, degrades, torments, or places demands upon another, based upon one or more of the protected categories listed above, to the extent that the conduct unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Examples of harassment include, but are not limited to:

- Verbal conduct, such as ethnic or racial slurs, epithets, derogatory or insulting comments, taunting, heckling, unwanted sexual advances or comments, racial or sexual jokes;
- Physical conduct, such as impeding or blocking movement, gestures, unwelcome touching;
- Visual conduct, such as derogatory or sexually oriented posters, photographs, letter or other writings, emails, cartoons or drawings;
- Treating in a disparate manner; or
- Retaliating for reporting harassment.

Sexual harassment is a form of sex discrimination that is prohibited under Federal and State law. In general sexual harassment is defined as any unwanted sexual advance, request for sexual favors, and unwelcome verbal or physical conduct of a sexual nature.

The actions above will be considered sexual harassment 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 for employment decisions affecting that 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.

C. REPORTING HARASSMENT COMPLAINTS

An employee who believes he/she has been a victim of harassment is encouraged to immediately report the complaint to the appropriate supervisor, manager, Department Equal Employment Opportunity (EEO) Coordinator, department head, or to the County EEO Office. A violation of this policy will receive prompt and appropriate action.

Complaints of harassment from employees shall be processed in accordance with Civil Service Rule 20. Complaints from non-employees shall be handled by the appropriate department official. Corrective action up to, and including termination shall be taken against any individual in violation of this policy.

D. RESPONSIBILITY

Each employee of the County should be aware that the County is opposed to all forms of illegal harassment, including sexual harassment, and that such behavior is prohibited both by law and by County policy.

It is an employee's right to raise the issue of harassment, and 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 and supervisory personnel who receives a report involving potential 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.

This policy shall be posted within the County departments and made available to employees. Information about the process for filing employment discrimination complaints under Civil Service Rule 20 can be obtained by contacting the appropriate Department EEO Coordinator, County EEO Office at (209) 468-3374, or through the EEO Web site at <http://www.sjgov.org/eo/>.

E. RETALIATION

It is a violation of this policy to retaliate or engage in any form of reprisal because a person has raised a concern, filed a complaint of, or been a witness to harassment. Acts of retaliation are subject to appropriate corrective action, up to and including termination. However, if the County determines that an individual intentionally provided false information regarding a complaint, corrective action up to, and including termination may be taken against the person who gave the false information.

F. TRAINING

The County of San Joaquin has implemented mandatory training to all employees on organizational policies and procedures that prohibit discrimination, including sexual harassment and cultural diversity training.