

**Subject:** UNLAWFUL DISCRIMINATION AND/OR HARASSMENT

**Date:** September 6, 2000

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**Replaces Policy Dated:** August 12, 1996

**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.

**STATEMENT OF POLICY:** Pinal County desires to provide an environment free from unlawful discrimination, unwelcome advances, innuendos and actions of a harassing nature which create a hostile or offensive working environment or which otherwise impairs an employee's ability to perform their assigned duties. The Pinal County Board of Supervisors prohibits unlawful discrimination and/or harassment by and of Pinal County personnel, including Elected Officials, Assistant County Managers, Deputy County Manager, Department Directors, Supervisors, and Employees.

**SCOPE:** Any form of discrimination and/or harassment based upon race, color, age, national origin, handicap status, or religious affiliation, to include sexual harassment, is prohibited by these Rules. According to guidelines issued by the United States Equal Employment Opportunity Commission:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical misconduct of a sexual nature constitute **sexual harassment** when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for 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.

**PROCEDURE:** Every employee of Pinal County has an affirmative duty to maintain a work place free of unlawful discrimination, harassment, and/or intimidation. An employee should take complaints or reports of any form of discrimination or harassment directly to the Human Resources Director. Elected Officials, Department Directors or Supervisors who receive complaints or reports of prohibited harassment or discrimination must immediately inform the Human Resources Director. The Human Resources Director will expedite an investigation into the allegations. 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 County Manager who shall take such disciplinary action as is warranted up to and including dismissal of the offending party.

Within 10 calendar days after being informed of the remedial action taken in response to their complaint, employees covered by the Pinal County Uniform Merit Rules may request a review of the remedy by the Pinal County Employee=s Merit System Commission. The grievance must be delivered to the Human Resources Director no later than 5:00 p.m. of the 10<sup>th</sup> calendar day after being so informed. For employees not covered by the Merit Rules the action taken by the County Manager is final. The County shall not allow reprisal in any form against the aggrieved person or corroborating witnesses for exercising their rights under this policy.

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All Elected Officials, Department Directors, Supervisors, and Employees must attend a harassment prevention training provided by Pinal County upon initial employment and once every four years thereafter. It is mandatory that all employees of Pinal County (elected or hired) attend this training program.