

SECTION 4: EQUAL EMPLOYMENT OPPORTUNITY, HARASSMENT, AND DISCRIMINATION

Scope:

This Policy is applicable to all employees. It also applies to contractual service providers, volunteers, and to the employees of vendors and contractors of Hendry County BOCC.

Policy:

Equal Employment Opportunity

- 4.1. Hendry County BOCC shall ensure that equal employment opportunities are provided to all qualified individuals, without regard to their race, color, religion, sex, pregnancy, national origin, ethnicity, age, physical or mental disability, veteran status, income, family status, genetics, or any other characteristic or status that is protected by federal, state or local law. This policy applies to the recruitment and selection process, continuation of employment, and all terms and conditions of employment, including but not limited to promotion and salary increases, training and development opportunities, work assignments, performance appraisal, reassignment or transfer, compensation, benefits, discipline, demotion, layoff, and dismissal.

Harassment

- 4.2. Furthermore, harassment based on a person's legally protected status under federal and state law will not be tolerated. Harassment is defined as unwelcome and/or offensive actions, including verbal or written comments or gestures, as well as the display of images or items that relate to an individual's race, color, religion, sex, pregnancy, national origin, ethnicity, age, physical or mental disability, veteran status, marital status, or any other characteristic or status that is protected by federal, state or local law.
- 4.3. Hendry County BOCC will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive work environment.
- 4.4. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or, when submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or, when 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 of inappropriate sexual harassment include, but is not limited to, unwelcome sexual propositions; sexual innuendo; sexual or suggestive remarks; vulgar or sexually-explicit comments, gestures, noises or conduct; sexually-oriented kidding, teasing or practical jokes; physical contact of a sexual nature such as brushing against another's body, pinching, rubbing, grabbing, poking or patting; the publication to anyone of documents, texts, pictures, objects or graphics in the workplace that contain material of a sexual nature; and using the computer to access material of a sexual nature.

- 4.5. Sexual harassment may include same sex as well as opposite sex misconduct where it is based on the person's gender. Additionally, sexual harassment may occur even when the intended target is not offended but others find the conduct to be intimidating, hostile or offensive.
- 4.6. In addition to inappropriate sexual harassment, the County also prohibits harassment on the basis of gender, pregnancy, race, national origin, ethnicity, disability, religion, color, age, veteran status and marital status. Any verbal or physical conduct of an offensive or harassing nature and which is based upon or directed toward any employee based upon any of these characteristics will not be tolerated. Such prohibited conduct includes, but is not limited to:
 - A. Derogatory, critical, offensive or uncomplimentary jokes, comments, displays, posters, other written materials based upon another's gender, race, national origin, disability, religion, color, age, pregnancy and marital status.
 - B. Any physical conduct taken against another individual because of his or her gender, race, national origin, disability, religion, color, age, pregnancy and marital status.
 - C. Teasing or making fun of another individual's ethnicity, accent, cultural or religious beliefs or practices, mental or physical disabilities or medical limitations and other similar characteristics.
- 4.7. Retaliation by management or other employees arising from an employee's good faith complaint of discrimination or harassment or from the employee's participation in an investigation under this policy will not be tolerated. Employees who believe they have been subjected to retaliation on the basis of having filed a complaint or having participated in an investigation, must immediately report it pursuant to the complaint procedure below.
- 4.8. In order to promote the efficient operation of the County's business and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security, morale, and possible claims of sexual harassment, managers and supervisors are forbidden to date or pursue romantic or sexual relationships with employees whom they supervise, directly or indirectly. Employees who violate this guideline will be subject to discipline up to and including termination of employment.
- 4.9. Supervisors, together with the Human Resources Manager, are responsible for ensuring that their employees are properly trained on the County's policies concerning prohibited harassment and retaliation.

Discrimination and Harassment Complaint Procedures

- 4.10. The Human Resource Manager is responsible for enforcing this Policy under the direction of the County Administrator, and, in the absence of the Human Resources Manager, this Policy may be enforced by the County Administrator.

- 4.11. Any employee, volunteer, contractual service provider, or employee of a vendor or contractor doing business with Hendry County BOCC who believes he or she has been subjected to discrimination or a violation of this policy, or who has information about behavior that may violate this policy, should report such behavior immediately to the Human Resources Manager. Alternatively, he or she may also report alleged violations to his or her Department Director/Manager or to the County Administrator. In order for management to conduct an effective investigation, reports of violations of this policy should be filed as soon as possible following a violation. The Human Resources Manager can be reached at 863-675-5352. The County Administrator can be reached at 863-675-5220.
- 4.12. In some cases, it may be appropriate for a victim to first confront his or her alleged harasser, but this is not a required step prior to filing a complaint.
- 4.13. Whenever the Human Resources Manager receives a report or allegation of discrimination, harassment, or retaliation, he or she will promptly investigate the matter. Complaints received by supervisors or managers should be immediately forwarded to the Human Resources Manager. The failure to report a complaint shall be grounds for disciplinary action. All complaints shall be promptly investigated. When it is determined that a violation has occurred, appropriate corrective and/or preventive action will be taken.
- 4.14. In some cases, it may be determined that a violation did not occur, or that there is insufficient evidence to make a determination. No disciplinary or retaliatory action will be taken against an individual who makes a complaint with a reasonable belief that a violation has occurred. However, appropriate corrective action, up to potential dismissal, will be taken against any employee, volunteer, contractual service provider, or any employee of vendors and contractors doing business with Hendry County BOCC who intentionally files a false report of discrimination, harassment, or retaliation.