

PREVENTION OF SEXUAL HARASSMENT POLICY

I. INTRODUCTION

The County of Monterey is dedicated to providing a professional working environment that embodies mutual respect for the dignity and worth of its employees. Accordingly, each Monterey County official, employee and agent should be individually responsible for maintaining an environment free from all forms of discrimination, including sexual harassment, intimidation, retaliation and coercion. The County is committed to providing a work environment free from sexual harassment.

II. APPLICABILITY

This policy applies to all County employees at on-site and off-site workplaces, elected and appointed County officials, applicants for County employment and promotion, bidders and contractors who seek to do business with the County or its agencies, and recipients of County services. This policy also extends to conduct by County employees, officials and contractors towards members of the public relating to County business or services.

This policy applies to all phases of the employment relationship, including recruitment, testing, hiring, job assignments, co-workers, subordinate employees, or supervisors. Any employee or official found to have acted in violation of this policy shall be subject to appropriate disciplinary action, including warnings, reprimand, suspension, and/or termination.

Similarly, the County will not tolerate sexual harassment of its employees, applicants, or contractors by non-employees, such as third party contractors, vendors, clients and/or customers. The County should be immediately alerted to any such conduct so that it can take immediate and appropriate corrective action to prevent further harassment.

III. DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) submission to such conduct is either an expressed or implied term or condition of an individual's employment; or
- (2) submission to or rejection of such conduct 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 work environment.

Sexual harassment need not be motivated by sexual desire or gratification, and may include nonsexual conduct motivated by the violator's hostility toward the victim's gender, or toward the victim's nonconformity to gender stereotypes. Sexual harassment includes not only conduct motivated by gender, but also by pregnancy, childbirth, or a related condition.

Sexual harassment also encompasses retaliation when based upon the termination of a prior intimate relationship. The work environment for County employees extends to non-work places and non-work hours when the violator continues the behavior outside the normal workplace.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

1. Repeated unwelcome sexual propositions, invitations, solicitations and flirtations.
2. Stated or implied threats that a person's employment, wages, opportunities for promotion, or other conditions of employment, may be adversely affected by not submitting to sexual advances.
3. Promised or granted favored treatment in hiring, promotion, discipline, or other employment decisions, in exchange for sexual favors.
4. Repeated and pervasive unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene gestures.
5. Unwanted exposure to sexual graffiti, photographs, electronic transmissions or suggestive objects.
6. Unwelcome and inappropriate touching, patting, pinching, unnecessary brushes, blocking normal movement, or assault.

IV. COUNTY'S RESPONSIBILITY

The County is responsible for taking all reasonable steps necessary to prevent sexual harassment from occurring. The County's efforts in this regard include, but are not limited to, training, providing counseling, investigating complaints and taking appropriate corrective actions.

In order to ensure that offensive conduct does not rise to the level of conduct which is illegal, the County will not tolerate a violation of this policy which either by itself or when repeated would constitute sexual harassment.

An employee or official engaging in prohibited conduct shall be subject to appropriate disciplinary action, up to and including termination of employment, regardless of whether the employee or official engages in prohibited conduct only once.

V. SUPERVISORS' AND MANAGERS' RESPONSIBILITIES

Supervisors and managers are in key positions to ensure a discrimination-free workplace is maintained by not engaging in, and correcting inappropriate behavior in the workplace. It is the responsibility of supervisors and managers to ensure that their area of responsibility is in full compliance with the County's sexual harassment policy and to take all necessary steps to prevent sexual harassment.

Supervisors or managers are obligated by law and policy to address potential issues of sexual harassment once discovered, even in circumstances where the managers and supervisors are not the direct manager or supervisor of the victim or the alleged harasser.

Any Department Head, manager, supervisor, or designated employee responsible for reporting or responding to sexual harassment who knew about the harassment and took no action to stop it or failed to report the prohibited harassment also may be subject to disciplinary action.

Department Heads shall be responsible for coordinating and cooperating with the Equal Opportunity Officer or designee in investigating and resolving complaints involving employees in their respective departments.

VI. EMPLOYEE'S RESPONSIBILITY

Employees who believe they are or have been subjected to sexual harassment in the workplace have an obligation to report the incident(s) to their immediate supervisor, a manager, appropriate Human Resources personnel, a Department Head, or the Equal Opportunity Officer. Employees should also understand the importance of reporting incidents promptly to assure that further incidents do not occur. Complaints of sexual harassment shall be addressed in accordance with the County's Discrimination Complaint Procedures.

It is important for all employees to understand that failure to utilize the County's procedures to report violations will hinder the County's ability to stop and correct violations.

It is the responsibility of all County employees to ensure a discrimination-free work environment.

If the County determines that a County employee intentionally provided false information regarding a complaint, then corrective action may be taken, up to and including termination.

VII. 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 sexual harassment. Sexual harassment also encompasses retaliation when based upon the termination of a prior intimate relationship. Any act of retaliation will be treated as a separate and distinct incident, regardless of the outcome of the sexual harassment complaint. Acts of retaliation are subject to appropriate corrective action, up to and including termination.

VIII. CONFIDENTIALITY

All information received in connection with inquiries, or with the filing, investigation, and resolution of sexual harassment, discrimination, and retaliation complaints is treated as highly sensitive and confidential. Employees authorized by the County to receive and investigate complaints are required to maintain confidentiality to the extent possible.

IX. POLICY DISSEMINATION

The Equal Opportunity Office is responsible for ensuring that the policy and complaint procedures relating to sexual harassment is disseminated.

X. TRAINING

All new employees will receive sexual harassment prevention training within (6) six months of their employment and every two (2) years thereafter. County officials, Department Heads, managers, and supervisors shall receive sexual harassment prevention training for supervisors and managers, in compliance with state law.

Upon being promoted to a supervisory or managerial position, the newly promoted will attend a training class for supervisors and managers on sexual harassment prevention, regardless of the date of their most recent sexual harassment training as an employee.

The Equal Opportunity Office shall be responsible for formulating and coordinating the training program on sexual harassment prevention.

Each Department Head shall be responsible for ensuring its employees are trained in accordance with direction provided by the Equal Opportunity Office.