

Board of Lucas County Commissioners



TITLE: Harassment-Free Work Environment

POLICY NUMBER: 6c

RESOLUTION NUMBER: 2023-1073

SUPERSEDES POLICY: 6b

EFFECTIVE DATE: December 5, 2023

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I. SCOPE

This policy applies to all employees under the appointing authority and jurisdiction of the Board of Lucas County Commissioners, subject, where applicable, to collective bargaining agreements.

II. PURPOSE

The Board of Lucas County Commissioners values each employee and strives to provide a harassment-free work environment where there is mutual respect and support. To foster such an environment, the Board of Lucas County Commissioners is committed to maintaining a work environment free of harassment.

The Board of Lucas County Commissioners reserves the right at its sole discretion to modify, suspend or terminate this policy at any time with or without notice, subject to collective bargaining where applicable. This policy is not an employment contract, expressed or implied. No representative of the Board of Commissioners, unless given express permission by the Board of Commissioners, has the authority to enter into an agreement with an employee that is contrary to this policy. Any agreement made with the express permission of the Board of Commissioners which is contrary to this policy must be in writing to be valid.

III. POLICY

The policy of the Board of Lucas County Commissioners is to ensure that all employees can enjoy a work environment free from all forms of unlawful harassment, including harassment based on age (over 40), ancestry or national origin, race, color, marital status, physical or mental disability, pregnancy, sex, sexual orientation, gender, gender identification or expression, family medical history or genetic information, religion, political affiliation or belief, protected medical leave, veteran or uniform membership status, or any other considerations protected by federal, state or local laws.

This policy is intended to make clear that all Board of Lucas County Commissioners employees who believe they have been harassed by a supervisor, co-worker, contractor, client, or vendor are encouraged to report their complaint for prompt and proper investigation. Employees who are found guilty of harassing other employees shall be subject to appropriate sanctions, depending on the circumstances. These may range from counseling up to and including termination.

The Board of Lucas County Commissioners will not tolerate adverse treatment of, or retaliation toward, employees because they report unlawful harassment or provide information related to such complaints. The Board of County Commissioners, in exercising reasonable care to prevent and promptly correct unlawful harassment or retaliation for reporting harassment, will protect victims from further harassment and retaliation.

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during work trips, work meetings and work-related social events, and applies to all employees, clients, contractors, or vendors.

IV. PROHIBITED ACTIVITIES

Personal Harassment

Harassment for any reason is strictly prohibited. Under this policy, unlawful harassment is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward any individual that:

- a) has the purpose or effect of creating an intimidating, hostile or offensive work environment,
- b) has the purpose or effect of unreasonably interfering with an individual's work performance, or
- c) otherwise adversely affects an individual's employment opportunities. This also applies to the harassment of individuals based on the protected categories as defined in this policy.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on work time or using work equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

Sexual Harassment

Sexual Harassment constitutes discrimination and is illegal under federal, state, and local laws.

The Equal Employment Opportunity Commission's Guidelines define two kinds of sexual harassment: *quid pro quo*, in which "submission to or rejection of unwelcome sexual conduct by an individual is used as the basis for employment decisions affecting such individual," and *hostile environment*, in which unwelcome sexual conduct "unreasonably interferes with an individual's job performance" or creates an "intimidating, hostile or offensive working environment." Examples of *quid pro quo* include promotions or raises, the altering of performance evaluations, or offers of employment in return for sexual favors,

For the purposes of this policy, "sexual harassment" is defined, as in the Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- c) 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.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

Bullying

Bullying is any inappropriate behavior, whether verbal, physical, or otherwise, conducted by one or more persons against another or others which may result in mistreatment that harms, intimidates, offends, degrades, or humiliates an employee or member of the public at the place or work or during employment even when for reasons other than age (over 40), ancestry or national origin, race, color, marital status, physical or mental disability, pregnancy, sex, sexual orientation, gender, gender identification or expression, family medical history or genetic information, religion, political affiliation or belief, protected medical leave, veteran or uniform membership status, or any other considerations protected by federal, state or local laws. This includes postings and communications as detailed in applicable social media policies.

Examples of prohibited behavior include, but are not limited to, the following:

- Violent or threatening physical contact
- Direct or indirect threats
- Implications or suggestions of violence
- Threatening, abusive, or harassing e-mails or telephone calls,
- Unlawful possession of a weapon on County property
- Stalking
- Violation of a restraining order
- Assault of any form
- Intentionally damaging property
- Name calling
- Directing profanity toward or about others
- Spreading rumors or gossiping
- Shouting or voice raising in a threatening or hostile manner at an individual in public or private
- Threatening gestures
- Staring or glaring in a threatening or hostile manner

Retaliation

Retaliation in any way against any employee who files a claim of harassment, discrimination, sexual harassment, bullying, or discrimination, or who participates in the investigation of such a claim, whether internally or with an external agency, or who otherwise provides information in a proceeding, including in a court, administrative or legislative hearing, related to violations of discrimination or harassment laws.

Examples of the types of retaliation that are prohibited include, but is not limited to, intimidation, discrimination, verbal or physical abuse, adverse actions with respect to pay, work assignments and other terms of employment, termination of employment or threats of any such action.

Retaliation will result in discipline or other remedial action as provided in the Disciplinary Action section below.

It is a violation of this Policy to initiate, engage in or encourage others to take part in conduct that falls within the above-stated definition of unlawful harassment, sexual harassment, bullying, cyberstalking, cyber-harassment, or retaliation. Such conduct will result in discipline or other remedial action as provided in the Penalties section below.

Anyone experiencing or witnessing conduct she or he believes to be unlawful harassment, sexual harassment, bullying, or retaliatory should immediately report such conduct in accordance with the complaint process procedure set forth herein.

V. MANAGEMENT RESPONSIBILITY

It shall be the responsibility of each agency or departmental Supervisor and Director to maintain their work place free of unlawful harassment or retaliation and to report any such incidents to the Department of Human Resources as soon as practicable. This duty includes discussing this policy with all employees and assuring them that they need not endure insulting, degrading, or exploitive treatment for any reason and informing employees of their right to file complaints about such conduct. Failure or neglect to perform this duty will result in disciplinary and remedial action as provided herein.

VI. REPORTING AND INVESTIGATION PROCEDURE

While the Board of Lucas County Commissioners encourages individuals, who believe they are being harassed, whether by a supervisor, co-worker, contractor, client, or vendor, or who are a witness to unlawful harassment, to firmly and promptly notify the offender that their behavior is unwelcome, the Board of Lucas County Commissioners also recognizes that such a confrontation may be uncomfortable or even impossible. If such informal, direct communication between individuals cannot be accomplished for any reason, or is ineffective or inappropriate given the circumstances or severity of the situation, the following steps should be taken to file a harassment or retaliation complaint:

Individuals who believe they have been subject to unlawful harassment or retaliation should immediately report the incident to the Department of Human Resources. Employees may submit a confidential report through an anonymous reporting hotline by calling toll-free to (833) 782-8973 or using the online form on the [Department of Human Resources](#) website.

Reports may also be filed directly to the U.S. Equal Employment Opportunity Commission or the Ohio Civil Rights Commission.

**U.S. Equal Employment Opportunity
Commission, Detroit Field Office**

Patrick V. McNamara Building
477 Michigan Avenue, Room 865
Detroit, MI 48226
(800) 669-4000
www.eeoc.gov

Ohio Civil Rights Commission

30 East Broad Street
Columbus, OH 43215
(888) 278-7101
www.crc.ohio.gov

Complaints should be filed as soon as possible following the incident. Investigation of complaints will be conducted promptly with a thorough and impartial inquiry. If requested, individuals who file internal complaints will be notified about the status of their complaint, the results of the investigation, and any corrective or preventative action taken. It is important to provide as much detail regarding the alleged discrimination as possible (names, dates, times, etc.) for the complaint to be addressed efficiently and effectively.

VII. CONFIDENTIALITY

Any allegation of unlawful harassment will be promptly investigated. Confidentiality will be maintained, although cannot be guaranteed, throughout the investigatory process to the extent practical and with appropriate information being shared with those on a need-to-know basis and

subject to disclosure under federal, state, and local public records laws including but not limited to the Ohio Public Records Act.

Information regarding the complaint or investigation will be maintained in secure, confidential files within the Department of Human Resources in accordance with applicable federal, state, and local laws.

VIII. FALSE INFORMATION

No employee will be punished for reporting acts of unlawful harassment, participating in an unlawful harassment investigation, or actively opposing unlawful harassment. However, employees knowingly providing false statements or information will be subject to disciplinary measures and remedial action up to and including discharge as provided herein.

IX DISCIPLINARY ACTION AND REMEDIAL MEASURES

Violations of this policy, regardless of whether an actual law has been violated, will not be tolerated. Individuals found to have violated this policy shall be subject to discipline up to and including termination depending on the circumstances of the case.

The Board of Lucas County Commissioners shall take action that is practicable and available at law against a non-employee or elected official found to have engaged in behavior contrary to this policy.

For further information and guidance please refer to:

- [Americans with Disabilities Act Policy \(Policy #15a\)](#)
- [Anti-Discrimination Policy \(Policy #53\)](#)
- [Code of Ethical Conduct Policy \(Policy #51\)](#)
- [Equal Employment Opportunity Policy \(Policy #35b\)](#)
- [Non-Retaliation Policy \(Policy #55\)](#)
- [Social Media Policy \(Policy #38\)](#)

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Signature of County Administrator

1/5/2024

Date

Revision History: Policy #6, Resolution 92-212, Passed February 13, 1992
Policy #6a, Resolution 12-426, Passed May 1, 2012
Policy #6b, Resolution 2023-354, April 11, 2023