

# Board of Lucas County Commissioners



**TITLE:** Non-Retaliation Policy

**POLICY NUMBER:** 55a

**RESOLUTION NUMBER:** 2023-1073

**SUPERSEDES POLICY:** 55

**EFFECTIVE DATE:** December 5, 2023

**PAGE:** 1 of 3

## 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 is dedicated to high standards of ethical, moral, and legal conduct. In line with this commitment, and the Board of Lucas County Commissioners' dedication to open communication, this policy aims to encourage and enable employees to raise concerns internally, without apprehension due to the fear of retaliation, so that the Board of Lucas County Commissioners can address and correct inappropriate conduct and actions.

This policy protects employees who make good faith complaints against an employer, manager, or co-worker regarding inappropriate or unlawful behavior.

## III. POLICY

The general purpose of this policy is to comply with applicable federal and state laws prohibiting retaliation, and to protect Board of Lucas County Commissioners' applicants and employees who make good faith reports of suspected improper conduct. More specifically it:

- encourages a culture that allows applicants and employees to meet their obligations to disclose suspected improper conduct, harassment, or discrimination or participate in investigations;
- informs applicants and employees how allegations of improper conduct may be disclosed;
- protects applicants and employees from reprisal by adverse employment action taken within the Board of Lucas County Commissioners' jurisdiction as appointing authority because of a) having disclosed suspected improper conduct, including but not limited to, harassment, discrimination, or unethical behavior, b) participated in an investigation into claims of suspected improper conduct, or c) requested or received reasonable accommodations; and
- provides applicants and employees who believe they have been subject to reprisal a process to seek relief from retaliatory acts that fall within the appointing authority of Board of County Commissioners.

Employees are expected to abide by federal, state, and local laws and regulations, as well as Board of Lucas County Commissioner's policies and to report instances of suspected improper conduct that come to their attention.

## IV. DEFINITIONS

*Good Faith Report* is defined in this policy to be an allegation of suspected improper conduct engaged in by an employee (who is not also the reporting individual) based upon a good faith and reasonable belief that the conduct has both occurred and is wrongful under applicable law, regulation, or Board of Lucas County Commissioner's policy. Communications or reports made in good faith do not disregard facts that would refute such communication or report and are not based upon intentional bias, malice, or other ill intent.

*Improper Conduct* is defined in this policy to be any act that violates a Board of Lucas County Commissioner's policy, federal, state, or local law or regulation being committed by an

employee. Improper conduct includes, but is not limited to, fraud, theft, bribery, misuse of Board of Lucas County Commissioner's property, or coercion by an employee to commit an unlawful act.

*Reporting Individual* is defined by this policy to be any employee who makes a "good faith report" as defined herein.

*Retaliation* is defined by this policy to be an adverse employment action, including but not limited to harassment, disciplinary action, demotion, suspension, reassignment, or termination, against any employee for making a good faith report, opposing an unlawful practice, participating in an investigation involving a good faith report, or enforcing this policy.

**V. MANAGEMENT RESPONSIBILITY**

It shall be the responsibility of each agency or departmental Supervisor and Director to maintain their work place free of unlawful 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 retaliation 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 subject to retaliation, whether by a supervisor, co-worker, resident, client, or vendor, or who are a witness to retaliation, 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 discrimination or retaliation complaint:

Individuals who believe they have been subject to 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](http://www.eeoc.gov)

**Ohio Civil Rights Commission**  
30 East Broad Street  
Columbus, OH 43215  
(888) 278-7101  
[www.crc.ohio.gov](http://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.

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No employee may interfere with the good faith report of suspected improper conduct; no reporting individual who makes such a good faith report shall be subject to retaliation, including harassment or any adverse employment consequence, because of making a report. Board of Lucas County Commissioners will take prompt and appropriate action to address a violation of this policy.

**VII. CONFIDENTIALITY**

Any allegation of retaliation will be promptly investigated. Confidentiality will be maintained, although cannot be guaranteed, throughout the investigatory process to the extent practical and with appropriate information and subject to disclosure being shared with those on a need-to-know basis under federal, state, and local 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. 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 \(Policy #35b\)](#)
- [Harassment Free Work Environment \(Policy #6b\)](#)

DocuSigned by:



Signature of County Administrator

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1/5/2024

Date

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