

NON-DISCRIMINATION AND ANTI-HARASSMENT EMPLOYMENT POLICY **DeKalb County Board of Commissioners**

The DeKalb County Board of Commissioners (“BOC”) is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the BOC expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice, and harassment.

Equal Employment Opportunity

It is the BOC’s policy to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, national origin, religion, sex, pregnancy, sexual orientation, transgender status, age, disability, genetic information, political affiliation or opinion, or any other characteristic protected by law. The BOC prohibits and will not tolerate any such discrimination or harassment.

Definitions of Harassment

- a. Sexual harassment constitutes discrimination and is illegal under federal law. For the purposes of this policy, sexual harassment is defined to include sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) 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 genders. Depending on the circumstances, these behaviors may include, but are not limited to: 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, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail, text messages, or other electronic means); and other physical, verbal or visual conduct of a sexual nature.

- b. Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, pregnancy, sexual orientation, transgender status, national origin, age, disability, genetic information, political affiliation or opinion, or any other characteristic protected by law, and: (i) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual’s work performance; or (iii) otherwise adversely affects an individual’s employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail, text messages, or other electronic means).

Individuals and Conduct Covered

This policy applies to all applicants for and employees in positions reporting to the BOC or to any individual BOC member and prohibits harassment, discrimination, and retaliation whether engaged in by fellow employees, by an elected official, supervisor or manager, or by someone not directly connected to the BOC (e.g., an outside vendor or consultant).

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during work-related trips, meetings, and social events.

Retaliation is Prohibited

The BOC prohibits retaliation against any individual who makes a good faith report of discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, may result in disciplinary action or other negative consequences.

Complaint Procedure

Reporting an Incident of Harassment, Discrimination, or Retaliation

Individuals who experience conduct that they believe violates this policy or who have concerns about such matters shall immediately file a complaint in writing with the BOC's Chief of Staff, the County's Human Resources and Merit System Director, or the County's Chief Operating Officer.

Important Notice to All Employees: Employees who experience conduct that they believe violates this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his/her rights in pursuing legal action.

Early reporting and intervention have proven to be the most effective methods of resolving actual or perceived incidents of harassment. Prompt reporting of complaints or concerns is required so that rapid and constructive action can be taken.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

Notice to Individuals Accused of Violating this Policy

Any individual accused of harassment, discrimination, or retaliation under this policy will be afforded fair opportunity to provide information in response to the complaint. If the individual accused of harassment, discrimination, or retaliation is a BOC member or employee who works for the BOC or a member thereof, that individual will be provided notice of the complaint within two business days after the complaint is received by the Chief of Staff, Human Resources and Merit System Director, or Chief Operating Officer, unless a delay in notification is deemed necessary for safety or security reasons.

The Investigation

Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly. The investigation may include review of relevant documents and materials, individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation, appropriate corrective action, and applicable laws. After the conclusion of the investigation, the individual who made the complaint and the individual accused (if a BOC member or an employee who works for the BOC or a member thereof) will be notified of the results of the investigation.

Responsive Action

Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling, warning, reprimand, withholding of a promotion or pay increase, reassignment, and/or disciplinary action, as appropriate under the circumstances. Because elected officials are not subject to discipline or reassignment by any DeKalb County employee or official, responsive action for an elected official may include training, counseling, public censure, or (in certain circumstances) reporting of the violation to an appropriate outside agency or official with jurisdiction over the matter.

Training

Newly elected members and new employees in positions reporting to the BOC or a BOC member will be provided information and/or training about this policy within a reasonable time period after they take office or begin work. Existing members and employees will receive reminders and/or re-training on the subject matter of this policy at least once every two years.

* * * *

Individuals who have questions or concerns about this policy should speak with the BOC's Chief of Staff.

Finally, this policy may not be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in work-related social activities or discussions in order to avoid allegations of harassment. The law and the policies of the BOC

prohibit disparate treatment on the basis of sex or any other protected characteristic with regard to terms, conditions, and privileges of employment. The prohibitions against harassment, discrimination, and retaliation are intended to further these policies, not to form the basis of an exception to them.

This policy, which is a public document, is effective this ___ day of _____, 2019.

District 1 Commissioner

District 2 Commissioner

District 3 Commissioner

District 4 Commissioner

District 5 Commissioner

District 6 Commissioner

District 7 Commissioner

I have read and I understand the contents of the Non-Discrimination and Anti-Harassment Employment Policy of the DeKalb County Board of Commissioners dated June 21, 2019. I understand that if I experience work-related harassment, discrimination, or retaliation that I believe violates this policy, I am required to report it immediately and in writing to the BOC's Chief of Staff, the County's Human Resources and Merit System Director, or the County's Chief Operating Officer.

I understand that the DeKalb County Board of Commissioners prohibits retaliation against employees who make good faith reports of discrimination or harassment under this policy.

I further understand that if I harass or discriminate against another employee in violation of the Non-Discrimination and Anti-Harassment Employment Policy of the DeKalb County Board of Commissioners, I will be subject to negative consequences, which may include termination or other discipline.

Employee's printed name

Employee's signature

Date