

YAKIMA COUNTY
NON-DISCRIMINATION AND ANTIHARASSMENT POLICY
Policy No. HR-003

I. PURPOSE

The purpose of this policy is to provide guidelines to department heads, elected officials, county employees and members of the public to help ensure equal access to County services and employment opportunities regardless of a person's age, color, creed, sensory, mental or physical disability, genetic information, marital status, national origin, political belief, race, religion, sex, sexual orientation, gender identity, HIV/AIDS and Hepatitis C Status, and military status, or any other protected status under federal or state law. Additionally, the policy provides guidelines for identifying, reporting, and resolving claims of discrimination or related retaliation. This policy supersedes all previous nondiscrimination and sexual harassment policies issued by Yakima County. Provisions of this policy shall be followed, unless they conflict with negotiated labor contracts which will take precedence to the extent applicable.

II. NONDISCRIMINATION

It is the policy of the Board of Yakima County Commissioners to actively promote its commitment to nondiscrimination and equal opportunity. The County will widely distribute its Nondiscrimination Policy to recruiting sources, organizations representing protected groups, vendors, suppliers, contractors, community based organizations, service organizations, community leaders, secondary and post-secondary schools, and other governments. The policy will be distributed on a continuing basis as appropriate individuals and entities are identified.

The County will incorporate appropriate nondiscrimination language in all its contracts and collective bargaining agreements. The words "Equal Opportunity Employer Minorities, Females, Protected Veterans and the Disabled are encouraged to apply" will be included on employment applications and recruitment materials.

The County will also incorporate the following language into all personal service agreements/contracts:

“The Contractor agrees that it shall not discriminate against any person on the grounds of race, creed, color, religion, national origin, sex, sexual orientation, veteran status, pregnancy, age, marital status, political affiliation or belief, or the presence of any sensory, mental or physical handicap in violation of the Washington State Law Against Discrimination (RCW chapter 49.60) or the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) or any other applicable state, federal or local law, rule or regulation. The Contractor and subcontractor shall abide by the requirements of 41 CFR §§ 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals on the basis of protected veteran status or disability, and require affirmative action by covered prime contractors and subcontractors to subject to this agreement.”

The availability of these materials in alternative format and the County's nondiscrimination policy will be posted on County bulletin boards and other areas designated for posting general information.

To further promote the Board of County Commissioners' commitment to nondiscrimination, the County will conduct periodic meetings with executive, management, and supervisory personnel to explain the intent of the nondiscrimination policies and to clarify management's responsibility for effective implementation. Nondiscrimination policies will be thoroughly discussed in new employee orientation sessions and in management training programs. The County's policies and equal opportunity obligations will be discussed in each collective bargaining process and appropriate language will be included in each collective bargaining agreement.

EQUAL OPPORTUNITY FOR PERSONS WITH DISABILITIES

Please reference Yakima County's "ADA ACCOMMODATION POLICY: POLICY NO. HR-022" for additional guidance and information relating to disability accommodations and access to government services.

EQUAL EMPLOYMENT

It is the policy of Yakima County to ensure equal employment opportunity for all employees and applicants for employment or appointment to County boards and commissions. This policy includes a commitment to promote and afford equal treatment and services to all members of the public and County employees and to ensure equal employment opportunity based on qualifications and ability to perform the work. Every reasonable effort will be made to create an accessible process and working environment that will allow a person with a disability to participate at the same level as a person without a disability.

The goals of this policy are to:

1. Ensure fair treatment and nondiscrimination in County hiring, County employment, and in appointments to and service on County boards and commissions.
2. Ensure compliance with State and Federal equal opportunity requirements and regulations.
3. Provide a basis for encouraging those who do business with the County to practice equal employment opportunity.

REASONABLE ACCOMMODATION

It is the policy of Yakima County to make reasonable accommodation for the known physical and mental limitations of otherwise qualified applicants and employees. Reasonable accommodation may include, but are not limited to, removing architectural barriers; modifying work schedules; providing assistive devices; modifying examinations, training materials, or policies; and providing qualified readers, writers, or interpreters when needed. It is the responsibility of the employee or applicant with the disability to disclose the existence of the disability if reasonable accommodation is requested.

A disabled applicant seeking an accommodation during the recruitment process must submit a request to the ADA Coordinator in the Human Resources Department. A disabled employee may notify a direct supervisor, manager, department head, or elected official of a need for accommodation, but the request must also be submitted in written form to the ADA Coordinator within 3 business days of the original request for accommodation.

Yakima County is committed to providing equal opportunities for County employees with disabilities. Every reasonable effort will be made to create an accessible work environment. To the extent possible, employment practices will be administered to allow a person with a disability to participate at the same level as a person without a disability.

When a request for an accommodation is made, the County has the right to request documentation from the employee's medical provider relating to the medical condition causing the need for an accommodation.

The employee's department/office will consult with the requesting person throughout the process of deciding which form of accommodation is most feasible. Assistance from the ADA Coordinator may be requested by the department/office at any time during the process of reviewing an accommodation request. Every effort will be made to find an accommodation that allows a person with a disability to participate at the same level as a person without a disability. If an agreement on a reasonable accommodation is reached between the affected department/office and the disabled individual, the department/office will document the reasonable accommodation that was made, in writing, and provide a copy of the accommodation documentation to the Human Resources Department. If the requesting party and the department/office are unable to agree on a reasonable accommodation, the department head or elected official of the affected department/office must contact the ADA Coordinator in the Human Resources Department for assistance in the accommodations process.

If the department is not able to make an accommodation because it would require a fundamental change in the nature of its service, or cause an undue financial or administrative hardship, it will forward its decision and justification to the Director of Human Resources where the decision will be reviewed. Assistance may be sought from the Prosecutor's Office or other expert resources, such as Facilities or a community organization, as appropriate. If the review confirms that accommodation is not feasible, the requesting party will be notified in writing of the denial of the request for accommodation and the reasons for the denial. The County will document its efforts to make accommodation and justify its reasons for not doing so.

III. ANTI-HARASSMENT

Yakima County is committed to providing a workplace that is free of verbal, physical, and visual forms of harassment so that everyone can work in a productive, respectful, and professional environment.

Harassment in employment based on sex, race, national origin, religion, age, disability, sexual orientation, veteran status, or any other basis prohibited by local, state or federal law is strictly

prohibited. Yakima County does not tolerate discriminatory harassment by anyone in the workplace- supervisors, co-workers, or non-employees.

Discrimination can occur if a behavior or conduct is directed at another because of a person's sex, race, national origin, religion, age, disability, or other protected status. Such behavior is considered harassment if it is unwelcome and so pervasive or severe that it interferes with an employee's work or creates an intimidating, hostile, or offensive work environment.

Examples of discriminatory harassment can include, but are not limited to:

- Memos, e-mails, cartoons, or other visual displays of objects, pictures or posters that depict such protected groups or individuals in a derogatory way; or
- Verbal conduct, including making or using derogatory comments, epithets, slurs, and jokes towards protected individuals or groups.

Sexual Harassment is a form of discriminatory harassment. Sexual Harassment includes harassment of another employee of the same or opposite gender or gender identity. It is generally defined as unwelcome sexual advances, requests for sexual favors, or other visual, verbal, or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct affects employment opportunities; or
- The conduct unreasonably interferes with an employee's work.

Examples of Sexual Harassment include, but are not limited to, the following types of behavior:

- Unwelcome sexual advances, like multiple request for dates after the first request was declined or propositions for sexual favors;
- Excessive, one-sided, romantic attention in the form of love letters, telephone calls, e-mails, text messages, messages via social media, or gifts;
- Offering or conditioning an employment benefit, like a raise, a promotion, assistance with one's career, increase of work hours, or a special job assignment, in exchange for sexual favors;
- Making or threatening reprisals, or changing performance expectations after an employee has turned down a sexual advance;
- Leering, making sexual gestures, or displaying sexually suggestive or graphic materials in the workplace;
- Graphic verbal or written comments about an individual's sex life or body, sexual experiences, sexually degrading words used to describe an individual, or suggestive or obscene letters, e-mails, text messages, messages via social media, notes or invitations;
- Unwelcome physical contact, including pats, hugs, pinching, brushes, touches, shoulder rubs, assaults, or impeding or blocking movements; and
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or status of being transgender such as damaging a person's workstation, tools or equipment.

Yakima County is committed to taking reasonable steps to prevent harassment from occurring and will respond quickly to reported or observed behaviors that are potentially discriminatory in nature. Employees found to be in violation of this policy shall be subject to disciplinary action. At all levels, Yakima County employees are collectively responsible for preventing harassing behavior in the workplace.

IV. EMPLOYEE RESPONSIBILITIES

Each individual employee has the responsibility to refrain from harassment in the workplace, to familiarize themselves with this policy and reporting procedures, and to attend County-sponsored training on this anti-harassment and non-discrimination policy. It is the responsibility of all County employees to bring instances of inappropriate behavior to the attention of the Human Resources Department. The conduct does not have to rise to the level of a violation of this policy in order to be inappropriate and result in discipline.

Professional and Acceptable Personal Conduct: Employees are expected to:

- Communicate and interact with each other, and other individuals doing business with the County, with respect and dignity;
- Act with authenticity, sincerity and truthfulness;
- Refrain from aggressive or violent behavior;
- Refrain from other behavior which suggests a propensity toward aggression, which may include, but is not limited to swearing or making intimidating or threatening gestures; and
- Refrain from demonstrating a pattern of refusing to follow policies and procedures.

Employees should never tolerate inappropriate or harassing behavior. If possible, they should make their feelings known to the offending employee. Whether they confront the harasser or not, employees *must* promptly report any offending behavior to their department head or elected official and the Human Resources Department. Each employee is responsible for supporting and adhering to this policy. It is the responsibility of all County employees to bring instances of inappropriate behavior to the attention of the Human Resources Department. This includes employees who believe they are the recipient of discriminatory or harassing behavior as well as those who believe they have witnessed such behavior directed at another employee.

If the department head or elected official is the alleged harasser, employees must report the offending behavior to the Human Resources Department or the Prosecuting Attorney's Corporate Counsel Division. Employees are strongly encouraged to report concerns about discrimination or harassment before behaviors become severe or pervasive. This will assist the County in its efforts to stop discrimination or harassment before it rises to the level of a violation of anti-discrimination laws.

V. SUPERVISOR/MANAGEMENT RESPONSIBILITIES

Each supervisor, manager, department head and elected official has the responsibility to refrain from harassment and discrimination in the workplace, to familiarize themselves with this policy

and to attend County-sponsored training on this Non-discrimination and Anti-Harassment Policy and how to respond to complaints brought forward from their employees.

It is the responsibility of every supervisor/manager to conduct himself or herself in a manner that contributes to a workplace environment that is not only free of unlawful workplace discrimination and harassment but also advances the mission and goals of the County and fosters a harmonious working environment that encourages all employees to perform at their best. They must exercise their professional and ethical judgement, make workplace decisions fairly, objectively and without bias.

When a supervisor, manager, department head or elected official suspects or has reason to believe that discriminatory behavior has occurred, he or she shall immediately notify the Director of Human Resources or the Prosecuting Attorney's Office and report the incident.

VI. COUNTY RESPONSIBILITIES

The Human Resources Department, in conjunction with the Prosecuting Attorney's Office, will promptly and thoroughly investigate all reports of discrimination or harassment. Complaints against either the Human Resources Department or the Prosecuting Attorney's Office will be investigated by a non-county agency. Complaints of discrimination and harassment will be handled with sensitivity, discretion, and confidentiality to the extent allowed by the circumstances and the law. After the investigation is completed, the County will share its findings with the complaining employee(s), the accused harasser(s), and if appropriate, with other individuals directly concerned with the incident.

If the County concludes that a violation of this policy occurred, prompt and effective remedial action will be taken. This may include discipline and/or other actions to remedy the effects of the discrimination and prevent further incidents.

Retaliation is prohibited and unlawful under federal, state, and local law. Yakima County will not tolerate retaliation against any employee who, in good faith, files a complaint of discrimination or harassment or who assists in the investigation of such a complaint by providing information. Unlawful retaliation is any action that could discourage an employee from coming forward to make or support a claim. Any employee, supervisor, or manager who takes retaliatory action against anyone who has reported harassment or who has provided information about possible harassment will be subject to corrective action.

The County is responsible for sponsoring training for employees, supervisors, and all levels of management outlining this Non-Discrimination and Anti-Harassment Policy and expectations they are to follow while employed with the County.

VII. COMPLAINT PROCEDURE

Any person may file a complaint under this policy when the person believes:

- He or she has been the target of discrimination or harassment;
- He or she has personal and first-hand knowledge of discriminating or harassing behavior that has been directed at another employee or member of the public; or
- He or she has been retaliated against for having reported discriminating or harassing behavior or participated in an investigation of a complaint.

If an employee believes the harassing conduct could be a crime, the victim of such conduct is encouraged to call 911 or local law enforcement. Yakima County will fully cooperate with law enforcement investigations on these matters.

Harassing behavior does not need to be illegal for Yakima County to take corrective action.

A complaint must be filed in writing as soon as possible and within 180 days of the alleged violation of this policy. The complaint should include a description of the alleged violation, the date it occurred, any known witnesses, and the name, signature, address and phone number of the person filing the complaint. The complaint must include sufficient information to allow the investigating party to determine the substance of the complaint.

Technical assistance will be provided to any complainant who needs assistance in filing a complaint. Complaints should be addressed to:

Director of Human Resources Yakima County Courthouse 128 North 2 nd Street, Rm B27 Yakima, WA 98901 (509) 574-2210	OR	Yakima County Prosecuting Attorney Yakima County Courthouse 128 North 2 nd Street, Rm 329 Yakima, WA 98901 (509) 574-1210
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Yakima County shall either investigate the complaint themselves or delegate the investigation to an outside investigator as deemed appropriate. The investigation may include individual interviews with the complaining party, the alleged harasser, witnesses, or others. If applicable, corroborating documentation may be identified for review during the investigation process.

In addition to filing a complaint with Yakima County, an individual may file a written complaint within 180 days of the alleged violation with the Washington State Human Rights Commission, the Equal Employment Opportunity Commission, the Office of Civil Rights, or any other appropriate civil rights enforcement agency. Employees are encouraged to exhaust administrative remedies outlined in this policy before outside agencies are consulted. The complainant's right to a fair and timely resolution of the complaint will not be impaired by the complainant's pursuit of other remedies. Furthermore, the use of the County complaint procedure is not a prerequisite to the pursuit of other remedies.

**YAKIMA COUNTY
NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY
Policy No. HR-003**

I have received a copy of the Non-discrimination and Anti-Harassment Policy (Policy) on this date.

I agree to read the Policy and follow the Policy during my employment with Yakima County. If the Policy is unclear to me, I will be responsible for seeking clarification.

I understand that Yakima County reserves the right to modify, revoke, suspend, terminate or change this Policy in whole, or in part, at any time and without prior notice. In that case, changes will be communicated to me.

Name: _____
Printed

Signature: _____

Date: _____

Adopted Copy Available at
Yakima County Human Resources
128 N. 2nd Street, Room B27
Yakima, WA 98901

Please remit to Human Resources Department