

Gila County Human Resources	Policy Number: BOS-HRS-110	Page
EQUAL OPPORTUNITY, UNLAWFUL DISCRIMINATION, HARASSMENT, AND RETALIATION	Replaces: Rule 4	
	Adopted: 12-17-2013 Revised:	1 of 6

I. PURPOSE:

To affirm Gila County’s commitment to provide a dignified, respectful work environment which ensures compliance with Federal and State laws concerning equal employment opportunity, unlawful discrimination, harassment, and retaliation.

II. APPLICABILITY:

All Gila County elected officials, employees, and job applicants.

III. POLICY:

- A. The County is committed to providing a dignified, respectful work environment which ensures compliance with Federal and State laws concerning equal employment opportunity, unlawful discrimination, harassment, and retaliation.
- B. Each employee has the right to: (1) work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment and retaliation; and (2) the responsibility to help maintain such a professional atmosphere.
- C. The County is committed to a work environment in which all individuals are treated with respect and dignity and the County expects that all relationships among persons in the workplace will be business-like and free of unlawful bias, prejudice, and harassment.
- D. Equal employment opportunity has been, and will continue to be, a fundamental principle at Gila County. Employment shall be based upon personal capabilities and qualifications without discrimination because of race, color, religion, sex, age, national origin, disability, or other protected characteristics as established by law. Unlawful discrimination is prohibited.
- E. Sexual harassment, unwelcome sexual advances, requests for sexual favors and other communication or physical conduct of a sexual nature are prohibited.
- F. Harassment on the basis of any other protected characteristic is prohibited.
- G. Retaliation against any individual who reports discrimination or harassment, or who participates in the investigation of such reports, is prohibited.

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H. The principles of this policy apply to all other policies and procedures relating to recruitment and hiring, compensation, benefits, termination, and all other terms and conditions of employment.

SIGNATURE:



CHAIRMAN, BOARD OF SUPERVISORS

12-17-2013
DATE

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IV. PROCEDURES

A. Equal Employment Opportunity

1. Employment shall be based upon personal capabilities and qualifications without discrimination because of race, color, religion, sex, age, national origin, disability, veteran status, or other protected characteristics as established by law.
2. Unlawful discrimination is prohibited.

B. Sexual Harassment

1. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other communication or physical conduct of a sexual nature when:
 - 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.
2. 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, but are not limited to:
 - a. Unwanted sexual advances or requests for sexual favors;
 - b. Sexual jokes and innuendo;
 - c. Verbal abuse of a sexual nature;
 - d. Commentary about an individual's body, sexual prowess, or sexual deficiencies;
 - e. Leering, catcalls, or touching;
 - f. Insulting or obscene comments or gestures;
 - g. Display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail or mobile devices);
 - h. Other physical, verbal or visual conduct of a sexual nature that is considered unacceptable by a reasonable person.

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3. Sex-based harassment not involving sexual activity or language may constitute discrimination if it is severe or pervasive and directed at employees because of their sex.
4. Quid pro quo harassment occurs when (1) job benefits, including employment, promotion, salary increase, shift or work assignments, performance expectations and other conditions of employment are made contingent on the provision of sexual favors usually to an employer, supervisor, or agent of the employer who has the authority to make decisions about employment actions, or (2) the rejection of a sexual advance or request for sexual favors results in a tangible employment detriment.

C. Other Harassment

1. 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, age, national origin, disability, or any other characteristic protected by law or that of his/her relatives, friends, or associates, and 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.
2. Other harassment includes, but is not limited to:
 - a. Threatening, intimidating, or hostile acts;
 - b. Denigrating jokes;
 - c. Display or circulation in the workplace via paper, email, or mobile device of written or graphic materials that denigrate or show hostility or aversion toward an individual or group.

D. Hostile Work Environment

1. The legal requirements for a hostile work environment include:
 - a. The actions or behavior must discriminate against a protected classification such as age, religion, disability, or race; and.

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- b. The behavior or communication must be pervasive and severe in that it disrupts an employee's work or interferes with an employee's career progress.
 2. Anti-discrimination statutes governing hostile work environment are not a general civility code. Federal law does not prohibit simple teasing, isolated offhand comments, or isolated incidents that are not extremely serious. Rather the conduct must be so objectively offensive as to alter the conditions of the individual's employment. The conditions of employment are altered only if the harassment culminates in a tangible employment action or is sufficiently severe or pervasive.
- E. Reporting an Incident of Discrimination, Harassment, or Retaliation
1. The County strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that is contrary to this policy or who have concerns about such matters should file a report or their complaint with their Appointing Authority, immediate supervisor, or the Human Resources Director immediately.
 2. Any Appointing Authority, or supervisor who receives a complaint or report of discrimination, harassment or retaliation under this policy is required to inform the Human Resources Director immediately.
 3. The availability of this reporting 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.
- F. Investigation
1. The Human Resources Director or designee will expedite an investigation into any allegation(s) of violation of this policy or procedure.
 2. Confidentiality of all parties involved will be maintained throughout the investigatory process consistent with adequate investigatory methods and to the degree that it does not interfere with the County's legal obligation to investigate allegations of misconduct and to take appropriate action.
 3. The outcome of any investigation will be reviewed and discussed with the complainant and other appropriate parties as deemed necessary.

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G. Retaliation

1. The law forbids retaliation when it comes to any aspect of employment, including hiring, firing, pay, job assignment, promotion, layoff, training, fringe benefits, and/or any other term or condition of employment.
2. An employee shall not take any disciplinary or punitive action against another employee which impedes or interferes with that employee's exercise of any right granted under the law or this policy.
3. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a prohibited.

H. Discipline

Any employee found to have violated this policy or related procedures shall be subject to disciplinary action up to and including termination.