

COUNTY OF SAN LUIS OBISPO

POLICY AGAINST DISCRIMINATION, SEXUAL HARASSMENT, BULLYING, ABUSIVE CONDUCT, AND RETALIATION

I. PURPOSE

All County employees are required to report, as soon as possible, any conduct that is believed to violate this policy. Such conduct need not rise to the level of a violation of law to violate this policy. Conduct which may lead to discrimination, harassment, bullying, abusive conduct or retaliation is in violation of this policy and will not be tolerated. Violation of this policy by any officer, employee, agent, or volunteer shall be grounds for discipline up to and including termination or other appropriate sanctions.

In support of this policy, all County departments are required to provide, and all County employees are required to attend, discrimination and harassment prevention training, including anti-bullying and anti-abusive conduct training, on an annual basis. This policy may be modified by the Human Resources Director as needed to comply with changes in state or federal law, or for administrative reasons.

II. SCOPE

This policy applies to all County employees, contractors, volunteers or vendors when they are on County property, when performing County-related business, or while designated as on standby duty or on-call duty. To the extent permitted by law, this policy may apply to off-duty employee conduct, depending on the nexus to the job and the impact to the County.

This policy applies to all locations where County employees work or represent the County. This includes the workplace, County vehicles, customer and vendor premises, and County sponsored events and activities.

Any violation of this policy may be grounds for discipline up to and including termination.

III. EQUAL EMPLOYMENT OPPORTUNITY POLICY

The County maintains and promotes a policy of equal employment opportunity. The County is committed to maintaining a work environment that is merit based, and free from

discrimination. Discrimination is the unequal treatment of individuals with respect to the terms and conditions of their employment, based on their membership in a protected category. The Board of Supervisors, its managers, employees, agents, and volunteers will not discriminate against any applicant for employment, employee, contractor, subcontractor, vendor, volunteer, intern or client because of age, ethnicity, creed, marital status, medical condition (cancer or genetic characteristics), national origin, ancestry, physical or mental disability, political affiliation or belief, race, religion, sex/gender (includes pregnancy, childbirth, breastfeeding and/or related medical conditions), sexual orientation, gender, gender expression or identity, status as a victim of domestic violence, assault, or stalking, genetic information, military or veteran status, or any other legally protected status.

This policy shall apply to all employment actions including, but not limited to: recruitment, testing, hiring, training, promotion, demotion, transfer, layoff, discipline, salary and benefits administration, and participation on or appointment to all County boards and commissions. All employment decisions shall be made on the basis of individual qualifications, bona fide occupational qualifications for the job in question, and the feasibility of any necessary job accommodations. Reasonable accommodations will be provided to qualified employees and applicants that require them.

The employment goal of the County is to develop an employee population that is representative of the general population of San Luis Obispo County. The County will take positive measures toward eliminating artificial barriers to employment and achieving equal opportunity through its continued implementation and coordination of the County's Equal Employment Opportunity (EEO) Plan, and through its review and evaluation of hiring, promotional and employment policies and procedures.

IV. POLICY AGAINST DISCRIMINATORY HARASSMENT

The County of San Luis Obispo maintains a zero-tolerance policy prohibiting discriminatory harassment in the workplace. The County is committed to providing a work environment in which all individuals are treated with respect and professionalism. Employees must not harass anyone because of race, color, gender, marital status, national origin, religion, medical condition, physical or mental disability, sexual orientation, gender identity or expression, status as a victim of domestic violence, assault or stalking, genetic information/characteristics or because the person is 40 years old or older, or any other legally protected classification as defined by federal and state law. This includes harassment which constitutes unacceptable behavior even if it is not considered unlawful. Employees also must not harass anyone for opposing discrimination or for participating in the discrimination complaint process.

Discriminatory harassment is unwelcome written, visual, verbal, or physical conduct engaged in on account of a person's actual or perceived membership in a protected category. Harassing conduct includes, but is not limited to: hate words, epithets, "inappropriate jokes," slurs or negative stereotyping, threatening or hostile acts, and written or graphic material that demeans or denigrates an individual or group because of any characteristic protected by law. In general, harassment can be against the law when it creates an intimidating, hostile, or offensive working environment, when it interferes with an individual's work performance, or when it adversely affects an individual's employment opportunities.

Any employee who believes they have been the target of discriminatory harassment is encouraged to inform the offending person that such conduct is unwelcome and offensive and must stop. If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, the employee is required to report the conduct to their supervisor or manager, the department's Discrimination and Harassment Prevention Coordinator, or County Human Resources. Departmental supervisors, managers, Human Resources staff or Discrimination and Harassment Prevention Coordinators who receive complaints of discrimination or harassment including sexual harassment must document the complaint and advise the Human Resources Department. It is the goal of the County to prevent harassment, bullying and abusive conduct before it becomes unlawful. Any individual who experiences, witnesses or becomes aware of inappropriate behavior or conduct that is, or could lead to unlawful harassment, violence or threats of violence, harassing behavior violating this policy, or any employee who has reason to suspect that these acts or behaviors are occurring, should immediately notify a supervisor, their Discrimination and Harassment Prevention Coordinator, their department head or the Human Resources Department.

V. POLICY AGAINST SEXUAL HARASSMENT

The County of San Luis Obispo maintains a zero-tolerance policy prohibiting sexual harassment in the workplace. The County is committed to providing a work environment free of sexual harassment. Federal law defines sexual harassment as unsolicited and unwelcome sexual advances, requests for sexual favors, and other verbal, physical, visual or written conduct of a sexual nature directed to persons of the same or opposite sex when submission to such conduct is made explicitly or implicitly as a term or condition of employment; submission to or rejection of such conduct is used as a basis for employment decisions affecting the employee or applicant; or such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or otherwise offensive working environment.

Because the County seeks to prevent any form of sexual harassment, behavior such as unnecessary touching, sexual remarks or joking which may lead to illegal sexual harassment is a violation of this policy and shall also be basis for discipline.

The County of San Luis Obispo requires that all employees treat the public and other employees with courtesy and respect and as such considers sexual harassment as cause for discipline up to and including termination. Similarly, retaliation against an employee for submitting complaints of alleged sexual harassment is a violation of this policy and cause for discipline up to and including termination.

Any employee who believes they have been the target of sexual harassment is encouraged to inform the offending person that such conduct is unwelcome and offensive and must stop. If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, the employee is required to report the conduct to their supervisor or manager, the department's Discrimination and Harassment Prevention Coordinator, or County Human Resources. Departmental supervisors, managers, Human Resources staff or Discrimination and Harassment Prevention Coordinators who receive complaints of discrimination or harassment including sexual harassment must document the complaint and advise the Human Resources Department. An employee who witnesses or becomes aware of inappropriate behavior that is, or may lead to sexual harassment, whether or not it rises to a level of illegal sexual harassment, must report the behavior to their supervisor, their Department Payroll Coordinator, their department head or Human Resources.

VI. POLICY AGAINST WORKPLACE BULLYING

The County of San Luis Obispo maintains a zero-tolerance policy prohibiting bullying in the workplace. The County is committed to providing a work environment free of bullying. Workplace bullying is defined as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Examples of bullying include:

- **Verbal bullying:** Slandering, ridiculing or maligning a person or their family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- **Gesture bullying:** Non-verbal gestures that can convey threatening messages.
- **Exclusion:** Purposefully socially or physically excluding or disregarding a person in work-related activities.

VII. POLICY AGAINST WORKPLACE ABUSIVE CONDUCT

The County of San Luis Obispo maintains a zero-tolerance policy prohibiting abusive conduct in the workplace. The County is committed to providing a work environment free of abusive conduct. Abusive workplace conduct is the conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Examples of abusive conduct are:

- Infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets.
- Physical conduct that a reasonable person would find threatening, intimidating, or humiliating.
- Gratuitous sabotage or undermining of a person's work performance or intentional interference with a person's work or work performance.
- Conduct or actions that a reasonable person would find offensive.
- Inappropriate conduct or behavior that is pervasive (requiring multiple acts) or severe.

Abusive conduct should be distinguished from behavior that may be unpleasant or unwelcome by the recipient yet appropriate in order to carry out supervisory or management responsibilities. Example of what abusive conduct is NOT:

- **Reasonable management action:** Managers have a right to direct the way work is carried out and to monitor and give feedback on performance.
- **Performance management:** Action taken in accordance with County rules and policies regarding formal and informal disciplinary action.
- **Reasonable supervisory actions:** Providing performance evaluations including negative evaluations; coaching and constructive feedback; setting aggressive performance goals; scheduling ongoing meetings to address performance or departmental goals; investigating potential misconduct.
- **Personality conflict:** Differences of opinion; interpersonal conflicts; occasional problems in working relationships.

VIII. POLICY AGAINST RETALIATION

The County of San Luis Obispo prohibits any adverse employment action against an individual who in good faith reports, files a complaint of, or otherwise opposes conduct they reasonably believe to be violations of this policy or state/federal law. The County further prohibits retaliation against anyone who participates or assists in investigations into complaints of alleged misconduct, as either a witness or a subject. Disciplinary action, up to and including termination, may be taken against an employee or officer who is found to have violated this

policy. This policy applies to all County officials, officers, employees, volunteers, contractors and vendors.

"Protected activity" may include, but is not limited to, any of the following:

- Filing a complaint with the County or a federal or state enforcement or administrative agency.
- Participating in or cooperating with a County investigation or cooperating with a federal or state enforcement agency that is conducting an investigation of the County regarding alleged unlawful activity.
- Testifying as a party, witness, or accused regarding alleged unlawful activity.
- Filing a Workers Compensation claim.

"Adverse action" may include, but is not limited to, any of the following:

- Threats or intimidation, which may dissuade or prevent an individual from reporting alleged wrongdoing or because of protected activity.
- Refusing to hire or promote an individual because of protected activity.
- Taking adverse employment action or disciplinary action because of protected activity.

IX. POLICY TO INVESTIGATE REPORTED DISCRIMINATION OR HARASSMENT

It is the policy of the County to investigate all allegations of discrimination, harassment, bullying and retaliation, including those in which anonymity is requested. Departmental supervisors, managers, Human Resources staff or Discrimination and Harassment Prevention Coordinators who receive complaints of discrimination or harassment including sexual harassment must document the complaint and advise the Human Resources Department. Upon notification, the Human Resources Department will ensure that allegations of discrimination or sexual harassment are investigated.

While resolution is always recommended as soon as possible, employees also have the option to report to outside administrative agencies: An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Civil Rights Department (CRD). These administrative agencies offer legal remedies and a complaint process. The nearest offices are located on employer bulletin boards and the agency websites for office locations and telephone numbers.

In addition, state and federal enforcement agencies are available to provide protection to victims of discriminatory harassment. Those agencies are cited below:

Agency:

California Civil Rights Department (Formerly: State of California Fair
Employment and Housing (Ventura Office)
United States Equal Employment Opportunities Commission (Los Angeles Office)

Telephone No.

(800) 884-1684
(800) 669-4000

X. COMPLAINT PROCEDURE

Any employee who believes they have been the target of discriminatory harassment, sexual harassment, workplace bullying or retaliation is encouraged to inform the offending person, if appropriate, and if the individual feels comfortable doing so, they should inform the offending party what specific conduct or behavior is offensive and unwelcome, and request that any such harassing or discriminatory action/speech be stopped immediately.

If an individual does not believe it is appropriate to speak directly to the offending party, or does not feel comfortable doing so, the individual should promptly follow the steps outlined below:

- A. Anyone who believes they have been harassed may make a complaint verbally or in writing with any of the following:
 - a. Immediate supervisor;
 - b. Any supervisor or manager within or outside of the department;
 - c. Department Discrimination and Harassment Prevention Coordinator;
 - d. Department head; or
 - e. Director of Human Resources.
- B. Any supervisor or department head who receives a harassment complaint shall notify the Director of Human Resources immediately.
- C. When the County receives a complaint of discrimination, sexual harassment, workplace bullying or retaliation, or otherwise has a reason to believe that any violation of this policy is occurring, it will take all reasonable measures to ensure that the matter is promptly investigated and that prompt, appropriate, corrective action is taken.

XI. CONFIDENTIALITY

Every possible effort will be made to assure the confidentiality of complaints made under this policy. However, due to the County's obligation to fully investigate complaints, and the subsequent responsibility to take effective remedial action, total anonymity cannot be

Revised: January 6, 2024
Adopted: January 14, 2014

guaranteed. As a result, confidentiality will be maintained to the fullest extent possible depending on the circumstances surrounding the violation.