



WASHOE COUNTY

Washoe County Policy Against Discrimination, Harassment And Retaliation

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I. POLICY

Washoe County has a zero tolerance for and prohibits discrimination, harassment and/or retaliation in all aspects of employment because a person is a member of a protected category. Such conduct can ruin workplace relationships, team morale and make the work environment toxic.¹

A. Prohibited Conduct

1. Washoe County prohibits discrimination, harassment and/or retaliation because a person is a member of a protected category. Protected categories are:
 - Age 40 or older
 - Ancestry or national origin
 - Physical or mental disability
 - Race or color
 - Religion or creed
 - Gender/sex, including pregnancy and wages
 - Sexual orientation
 - Gender identity or expression
 - Use of a service animal
 - Genetic information
 - Opposing an unlawful employment practice
 - Past, present or prospective service in the armed services
 - Use of protected leave, such as domestic violence leave
2. Harassment, discrimination and/or retaliation are prohibited in all aspects of employment, including:
 - Hiring, promotion or termination
 - Compensation and benefits
 - Job assignments, duties and evaluations
 - Workplace environment
 - Online activity that negatively affects the workplace
3. Examples of harassment, discrimination and/or retaliation:

¹Nothing in this policy abrogates an employee's right or remedies as provided in contract, County Code, state or federal law, or the United States Constitution. This policy is not meant to be an exhaustive statement of the County's or its employees' rights and duties.

- a. Harassment occurs when employees are forced to endure conduct that is unwelcome, offensive to a reasonable person, severe or pervasive and related to a protected category.
- Verbal (for example, epithets, derogatory statements, slurs, comments or jokes, unwelcome sexual advances or requests for sexual favors).
 - Physical (for example, assault or inappropriate physical contact).
 - Visual (for example, displaying offensive posters, cartoons or drawings, sending inappropriate adult-themed gifts, leering or making sexual gestures).
 - Online activity that negatively affects the workplace (for example, derogatory statements or postings in any social media platform including Facebook, Twitter, Instagram, Snapchat, etc.).

Remember – people have different sensitivities and personal boundaries. Show respect for others as required by the Washoe County Code of Conduct. When in doubt, don't do it!

- b. Sexual harassment involves unwelcome sexual conduct that is so severe or pervasive that it affects the terms and conditions of employment.
- Verbal (epithets, derogatory statements, slurs, sexually-related comments or jokes, unwelcome sexual advances or requests for sexual favors).
 - Physical (assault or inappropriate physical contact).
 - Visual (displaying sexually suggestive posters cartoons or drawings, sending inappropriate adult-themed gifts, leering or making sexual gestures).
 - Online activity that negatively affects the workplace (derogatory statements or sexually suggestive postings in any social media platform including Facebook, Twitter, Instagram, Snapchat, etc.).
 - Quid pro quo harassment – requiring an employee to submit to sexual advances or tolerate sexual harassment in exchange for job-related actions, such as promotion or favorable assignments.
- c. Discrimination includes intentional actions and practices that have a discriminatory effect (disparate impact) even if the employer did not intend to discriminate.

- Giving some people better (or worse) treatment over others based upon their membership in a protected class.
 - Making decisions based on stereotypes (for example, refusing to hire a woman as a deputy sheriff based on a belief that women are too emotional or not tough enough to do the job).
 - Physically isolating or segregating employees because of their membership in a protected class.
- d. Retaliation occurs when an employer takes negative action against an employee for opposing harassment or discrimination. The employer or supervisor is trying to “get even” with the employee. For example, giving an employee a bad performance evaluation because she complained about harassment.

B. Sexual Harassment Is Prohibited

All Washoe County employees, workers, representatives, customers, clients and visitors are prohibited from harassing employees and other covered persons based on sex or gender (including pregnancy, gender identity or expression) and regardless of the harasser’s sex or gender.

Remember – people have different sensitivities and personal boundaries, so err on the side of caution! Show respect for others as required by the Washoe County Code of Conduct. When in doubt, don’t do it!

1. Sexual harassment means:
 - a. Any harassment based on someone’s sex, gender identity or expression.
 - b. Offensive or obscene remarks about an individual’s sex, gender identity or expression.
 - c. *Quid Pro Quo*: requiring an employee to submit to sexual advances or tolerate sexual harassment in exchange for job-related actions, such as promotion or favorable assignments.
2. Washoe County will not tolerate any form of sexual harassment, including:
 - a. Verbal (for example, epithets, derogatory statements, slurs, sexually-related comments or jokes, unwelcome sexual advances or requests for sexual favors).
 - b. Physical (for example, assault or inappropriate physical contact).

- c. Visual (for example, displaying sexually suggestive posters cartoons or drawings, sending inappropriate adult-themed gifts, leering or making sexual gestures).
 - d. Online activity that negatively affects the workplace (for example, derogatory statements or sexually suggestive postings in any social media platform including Facebook, Twitter, Instagram, Snapchat, etc.).
3. Romance at Work.
- a. Check department policy on office romance.
 - b. Supervisors should not date subordinates, even if the subordinate is showing interest. Dating someone you supervise can lead to difficult situations, accusations of favoritism, retaliation and sexual harassment.
 - c. Romantic relationships between employees that sour can create real problems at work. Even if employees have dated in the past, continuing to pursue an employee after a break-up or engaging in harassment against a former partner may violate policy.

C. No Retaliation is Permitted

Washoe County prohibits any form of discipline, reprisal, intimidation, retaliation or “getting even” against employees who:

- 1. Report incidents of harassment or discrimination of any kind in good faith; or
- 2. Cooperate in good faith in investigations.

D. Violations of This Policy

Any employee, regardless of position or title, who has subjected an individual to discrimination, harassment and/or retaliation in violation of this policy will be subject to discipline, up to and including, termination of employment.

E. Mandatory Training

- 1. Washoe County requires that all employees attend policy training on Harassment and Discrimination every two (2) years.

2. Washoe County requires that all supervisors attend policy training on Harassment and Discrimination every two (2) years.

II. RIGHTS AND RESPONSIBILITIES

A. Employee Rights and Responsibilities

1. No County employee has to tolerate discrimination, harassment and/or retaliation from any other County employee, including supervisors and department heads.
 - a. An employee can say something whenever a person's actions become offensive and undesirable to the extent they could be considered to violate this policy.
 - b. It is the right of all employees to report conduct they observe which is prohibited by this policy whether or not they are personally involved.
2. Any employee may report conduct that violates this policy to any supervisor, Department Head, Department Human Resources Representative or Human Resources Department.
 - a. Reports to supervisors, department heads or department HR reps: All supervisory employees must take appropriate steps to prevent and stop harassment. Any time a complaint (whether verbal or written) is received supervisory staff must contact the Human Resources Department. Failure to do so may result in discipline up to and including termination.
 - b. Reports to Human Resources directly: Human Resources will initiate an investigation of the complaint.
3. Investigation of complaints.
 - a. The County treats all complaints seriously. Upon filing a complaint, Human Resources personnel and/or an outside consultant will immediately initiate an investigation to gather facts regarding the complaint.
 - b. All employees, whether witnesses or complainants, are expected to be candid and truthful during the investigation and to make a good faith effort in participating in the resolution of such complaints. Employees may be disciplined for failure to cooperate in job related investigations. If evidence arises that a participant in the

investigation has made intentionally false statements, the employee will be disciplined up to and including termination.

- c. To the extent feasible, the County will protect the confidentiality of allegations and those involved in the investigation, providing information only to those with a “need to know.” The County cannot guarantee complete confidentiality because the County must conduct an effective investigation.
- d. The investigation will be completed as expeditiously as practicable in light of the need to conduct an investigation which is accurate and fair to all persons involved.
- e. No action will be taken against an employee who complains or provides information related to a complaint in good faith, whether a violation of this policy is proven or not. Washoe County will not retaliate against an employee for filing a complaint or providing information related to a complaint and will not tolerate nor permit retaliation by management, employees or coworkers.

B. Applicant Rights and Responsibilities

1. Every applicant has the right to employment free of discrimination, harassment and/or retaliation.
2. If an applicant believes he or she is the target of discriminatory, harassing and/or retaliatory actions in the hiring process, that individual should go to the Human Resources Department for assistance.
3. The County treats all complaints of discrimination or harassment seriously, and all applicants are expected to be candid and truthful during the investigation and to make a good faith effort in participating in the resolution of such complaints.
4. Upon filing a complaint, Human Resources personnel and/or an outside consultant will immediately initiate an investigation to gather facts regarding the complaint. The investigation will be completed as expeditiously as practicable in light of the need to conduct an investigation that is accurate and fair to all persons involved. To the extent feasible, the identity of the charging party will be kept confidential and told to only those with a need to know.

5. No action will be taken against an applicant for complaining, whether a violation of this policy is proven or not, except as otherwise provided herein. Washoe County will not retaliate against an applicant for filing a complaint and will not tolerate nor permit retaliation by management or employees.

III. ENFORCEMENT PROCESS

Washoe County is committed to enforcing this policy against all forms of discrimination, harassment and/or retaliation. The effectiveness of our efforts depends largely on employees telling us about inappropriate workplace conduct. If employees do not report conduct, Washoe County may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

If you see something, say something! If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should object immediately and/or make an internal complaint.

A. Complaint Process

1. File a complaint if you are subject to or witness discrimination, harassment and/or retaliation. If you are subjected to any conduct that you believe violates this policy or witness any such conduct, you should promptly speak to, write or otherwise contact any of the following:
 - any supervisor, including your direct supervisor
 - the Department Head
 - Department HR Representative
 - Human Resources
2. File soon after offending conduct, ideally within 15 business days of the offending conduct. If you have not received an acknowledgement within 5 days after reporting any incident, please immediately contact Patricia Knight in Human Resources.
3. Although not mandatory, a Complaint Form is available on the HR website.

Your complaint should be as detailed as possible, including the names of all individuals involved and any witnesses. Washoe County will investigate the facts and circumstances of all claims of perceived harassment and will take prompt corrective action, as appropriate.

4. Employees and applicants always have the option to file a complaint with the appropriate state or federal agencies or courts in addition to, or in place of, a complaint with Washoe County.

B. Investigation Process

1. An investigation will be conducted by Human Resources or an outside consultant.
 - a. Specific details will be obtained dealing with who, what, where, how often, who else, time place, history, contemporaneous events and reports.
 - b. Other persons may be interviewed.
 - c. The investigation will be limited to obtaining sufficient information for decision making. Every attempt will be made to complete the investigation within 30 working days.
 - d. The investigator will remain objective.
 - e. Evidence will be collected and evaluated to identify any inconsistencies between the people interviewed about the allegations, circumstances, location, dates and times, etc. Re-interviewing people may be necessary to clarify previous statements and/or determine what the basis is for inconsistency.
2. Written Summary of Findings
 - a. A written summary of the investigation, including the evidence used to determine the merit of each allegation, will be prepared. The written summary (record) and all supporting material will be maintained as a confidential record.
 - b. The Human Resources Department may also make recommendations based on findings of the investigation. Any such recommendations made will also be maintained as a confidential record.
 - c. The Department Head will make a final determination based upon facts gathered through the investigation and take appropriate action regarding resolution of the case. The Department Head's

written resolution of the complaint shall be maintained as a confidential record.

- d. Parties will be notified of the outcome of the investigative process.

IV. ADMINISTRATION OF THIS POLICY

The Human Resources Department is responsible for the administration of this policy. If you have any questions regarding this policy or questions about harassment that are not addressed in this policy, please contact Human Resources or Patricia Knight.



WASHOE COUNTY DISCRIMINATION AND HARASSMENT COMPLAINT FORM

DATE: _____

NAME: _____

PERSONNEL NUMBER: _____

ADDRESS: _____

Street

City

Telephone Number

I am personally claiming discrimination and/or harassment. OR I am filing on behalf of another person subjected to discrimination and/or harassment.

Please indicate the basis on which this complaint is filed:			
<input type="checkbox"/> Sex (wages, pregnancy)	<input type="checkbox"/> Sexual Orientation, Gender Identity or Expression	<input type="checkbox"/> Race, National Origin or Color	<input type="checkbox"/> Other – please describe
<input type="checkbox"/> Disability	<input type="checkbox"/> Religion	<input type="checkbox"/> Age	
Please describe the conduct that occurred and which employment area:			
<input type="checkbox"/> Hiring Process	<input type="checkbox"/> Job Duties	<input type="checkbox"/> Promotion	<input type="checkbox"/> Intimidation
<input type="checkbox"/> Job Classification	<input type="checkbox"/> Termination	<input type="checkbox"/> Hiring Process	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Work Environment	<input type="checkbox"/> Training/Apprenticeship		<input type="checkbox"/> Other please state:

Brief description of the conduct that occurred, including the department:

Remedy you are seeking if the alleged act is proven to be in violation of policy:

IMPORTANT! Please answer as completely as possible the following questions. Use the back of this paper and as many additional sheets as necessary.

1. How were you treated differently than any other applicant or employee?
2. Did the alleged act result in any personal harm to you?
3. Why do you believe the actions you describe in Question #1 violate policy?
4. Who or what do you believe is responsible for the discrimination you describe?
5. Were there any witnesses to the act? If so, give their names, addresses and/or phone numbers.
6. Please specify dates of occurrence for any acts of discrimination or harassment.

I certify the above statements to be true and factual to the best of my knowledge.

Signature: _____ Date: _____