

RESOLUTION NO. 2022-04
RESOLUTION TO UPDATE COUNTY'S
EQUAL EMPLOYMENT OPPORTUNITY POLICY
AND POLICY PROHIBITING HARASSMENT

WHEREAS, several years have passed since the County's equal employment opportunity (EEO) policy and policy regarding harassment have been reviewed or updated; and

WHEREAS, a revision of the County Personnel Policy Manual is underway but is not ready for adoption; and

WHEREAS, several laws have changed affecting EEO and workplace harassment issues; and

WHEREAS, the County's employees are entitled to clear policy statements and to identified prohibited behaviors; and

WHEREAS, updating these policies favorably affects County insurance coverage; and

WHEREAS, training of employees, department heads, and elected officials regarding workplace harassment and hostile work environment will be necessary,

NOW THEREFORE, be it RESOLVED by the Board of Commissioners of Greene County, Indiana, that the following are adopted and will be the official policies of Greene County, Indiana:

1. Following is a statement of the County's Equal Employment Opportunity Policy. The number associated with the paragraph indicates the policy paragraph in the current Personnel Policy Handbook that is supplanted by adoption of this policy:

1.7 EQUAL EMPLOYMENT OPPORTUNITY

Greene County does not discriminate on the basis of race, color, creed, gender, national origin, religion, age, disability, veteran status, genetic information, sexual orientation or gender identity, or any other classification under state, local, or federal law in employment or in the provision of services.

All position vacancy notices, postings, advertisements, and recruiting literature shall contain the phrase "An Equal Opportunity Employer."

Any employee with questions or concerns about any type of discrimination in the workplace shall bring these issues to the attention of his/her elected official/department head. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

2. Following is a statement of the County's Harassment and Hostile Work Environment Policy. The number associated with the paragraph indicates the policy paragraph in the current Personnel Policy Handbook that is supplanted by adoption of this policy.

6.4 HARASSMENT/HOSTILE WORK ENVIRONMENT

Everyone who works for Greene County is entitled to a workplace free from harassment and intimidation. The County is committed to providing a work environment that is free of any type of discrimination or unlawful harassment. The County prohibits any form of harassment and will take corrective action against offenders, including discipline or discharge.

This policy applies to all Greene County employees.

6.4.1 Definition of Harassment/Hostile Work Environment

Harassment is a form of employee misconduct that undermines the integrity of the employment relationship. All employees are entitled to work in an environment free from harassment or inappropriate conduct. While it is difficult to define what constitutes illegal harassment under the law, Greene County realizes that any type of harassing behavior based on race, color, sex/gender, pregnancy, religion, age, marital status, sexual orientation, gender identity, national origin, disability, veteran status, genetic information, ancestry, or any other category protected by law is inappropriate in the workplace. Therefore, Greene County will not tolerate any behavior that creates an intimidating, offensive, or hostile work environment or that interferes with work performance.

Examples of harassing behavior include, but are not limited to racial slurs, ethnic jokes, stereotyping, the display of posters or other materials that are offensive or show hostility to a group or individual based on a protected category as defined above, or any other category protected by law.

Greene County strongly disapproves of and will not tolerate inappropriate conduct or harassment of employees by supervisors, co-workers, or other in the workplace, such as customers or vendors.

The County is committed to complying with all applicable local, state, and federal laws prohibiting discrimination and harassment in the workplace.

6.4.1 (a) Types of Workplace Harassment

1. **Physical Harassment:** Physical harassment can come in the form of violence, both physically or to property. This can also be threatening behavior. In its extreme, it can even be termed assault. An employee may be physically abused, such as pushing, punching, or slapping, as well as other kinds of physical abuse. It can also involve a car, for example.

One worker may damage the vehicle by tampering, breaking, scratching, or inflicting other kinds of damages.

2. **Personal Harassment:** The victim may be subjected to unwanted remarks, insults, offensive and derogatory statements. Being constantly put down with condescending statements can all be seen as personal harassment. Personal harassment can also be called bullying.
3. **Discriminatory Harassment:** Discriminatory harassment in the workplace is directed at someone's race, age, sex, or some other form of protected class who is subjected to offensive or intimidating remarks.
4. **Psychological Harassment:** Psychological harassment occurs when a victim is put down, belittled, or has to listen to needless condescending remarks that can affect him/her. These negative remarks can be aimed at the victim from both a professional as well as a personal level.
5. **Cyberbullying:** Cyberbullying occurs online. Cyberbullying includes making threatening statements to the victim or spreading rumors on social media.
6. **3rd Party Harassment:** 3rd party harassment occurs with someone who is not a Greene County employee. Examples of 3rd Party may include suppliers, vendors, and citizens.

6.4.2 Reporting a Complaint

While the County encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome, the County also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. If such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a harassment or hostile work complaint.

To take a corrective action, the County must be aware of harassment, hostile work behavior, or related retaliation. Therefore, anyone who believes that he/she has experienced or witnessed harassment or related retaliation should promptly report such behavior.

Any employee who experiences harassment should contact his/her elected official/department head immediately. If unresolved, or in the event the harassment is alleged against the elected official/department head, the employee is advised to obtain, a harassment complaint form from the Auditor's Office or the County Attorney. The employee shall submit the completed form to the elected official/department head, or in the event the allegation of harassment is against the

elected official/department head, the completed form shall be submitted to the County Attorney. The best time to register a complaint is immediately after the act occurs.

Any supervisor who has witnessed or becomes aware of the alleged occurrence of harassment or retaliation or receives a complaint of harassment involving a person within that supervisor's purview is required to take prompt corrective action and to report the incident to the County Attorney. Failure of a supervisor to immediately take corrective action or to report the incident shall constitute misconduct subject to disciplinary action.

6.4.3 Description of Misconduct

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of harassment or hostile work environment.

Verbal reports of harassment or hostile work environment must be recorded in written form either the complainant or the individual(s) designated to receive complaints and be signed by the complainant. Individuals who believe they have been or currently are being harassed should maintain a record of objectionable conduct to effectively prepare and corroborate their allegations.

While the County encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, it must be recognized that, in the event that a lawsuit develops from the reported incident, the confidentiality of the complainant's written notes may not be recognized under Indiana law, and the notes may have to be disclosed.

County elected officials/department heads and the Auditor have copies of the County harassment complaint form. Employees shall obtain, complete, and submit this form to initiate a formal complaint.

6.4.4 Time Frame for Reporting Complaints

The County encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the sensitivity of these problem and because of the emotional toll such misconduct may have on an individual, no limited time frame will be instituted for reporting harassment or hostile work complaints. Late reporting of complaints will not in and of itself preclude the County from taking remedial action.

6.4.5 Protection against Retaliation

The County will not in any way retaliate against the individual who makes a report of harassment nor permit any supervisor or employee to do so. Retaliation is a serious

violation of this harassment policy and should be reported immediately. Any person found to have retaliated against another individual for the good faith reporting of harassment will be subject to the same disciplinary action provided for harassment offenders.

6.4.6 Investigating the Complaint

Any allegation of harassment that is reported will be promptly investigated in as discreet a manner possible to protect the privacy of persons involved. The County will use its best efforts to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances; however, confidentiality is not guaranteed. The alleged harasser will be notified of the nature of the complaint made against him/her.

Upon completing the investigation of a harassment complaint, the County will communicate its findings to the complainant and the alleged harasser. If the Commissioners and the alleged harasser's elected official/department head determine that harassment occurred, they will determine appropriate disciplinary action. The complainant will be informed of the disciplinary action to be taken.

In determining whether alleged conduct constitutes harassment, the County will look at the investigative file as a whole and the totality of the circumstances, such as the nature of the conduct and the context in which the alleged incidents occurred. The determination of whether disciplinary action is to be taken will be made from the facts, on a case-by-case basis.

6.4.7 Identification of Investigators

Complaints will be investigated by investigators selected by the County Attorney. In addition, other individuals may be included in reviewing the investigation and outcome at the discretion of the County Attorney.

6.4.8 False Accusations

Greene County also recognizes that careful consideration must be given to questions regarding whether a particular action or incident is purely personal or social without any discriminatory employment effect.

False accusations of harassment can have devastating effects on the lives and reputations of innocent women and men. Therefore, the County may discipline, up to and including termination of employment, those employees who after an investigation are found to have falsely accused others of harassment, knowingly or in a malicious manner.

6.4.9 Sanctions

Individuals found to have engaged in misconduct constituting harassment, creating a hostile work environment, or related retaliation will be severely disciplined, up to and including discharge. Additional action may include referral to counseling, withholding of a promotion, reassignment, demotion, temporary suspension without pay, or termination.

Although the County's ability to discipline a non-county employee harasser is limited, any County employee who has been subjected to harassment by a non-county employee at the workplace and work-related setting should file a complaint so that action may be taken.

6.4.10 Maintaining a Written Record of the Complaint

The County will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained in the County Attorney's Office, and if disciplinary action was taken, a record shall be maintained in the offender's personnel file.

6.4.11 Prevention

Prevention is the best policy for the elimination of harassment. Employees shall remain cognizant of harassment to avoid contributing conditions that would encourage such activity. Harassment and hostile work environment violations will result in disciplinary action, up to and including termination of employment.

3. The policies herein set forth shall be effective immediately upon adoption.
4. The Auditor shall provide every employee with a copy of policies herein adopted.
5. Employees shall, as a condition of employment, participate in brief periodic training regarding equal employment opportunities and harassment and hostile workplace environment, which training opportunities shall be provided to the employees at no cost and with opportunity to complete training and certify participation during the workday.

SO RESOLVED this 15th day of February, 2022.

BOARD OF COMMISSIONERS OF THE
COUNTY OF GREENE, INDIANA, by:



Nathan L. Abrams, President



Edward L. Michael, Commissioner



Rick Graves, Commissioner

Attest:



Matthew W. Baker, Auditor