

**BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA**

RESOLUTION APPROVING DISCRIMINATORY HARASSMENT POLICY

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104(6), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers;

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103, the powers of the County as a body are exercised by the County Board;

WHEREAS, Sarpy County previously approved an Equal Employment Opportunity Plan for Sarpy County on February 1, 2014, via Resolution 2014-47, said Plan included a “Discriminatory Harassment Policy”;

WHEREAS, a revised Equal Employment Opportunity Plan was approved via Resolution 2018-052; said Plan does not include a “Discriminatory Harassment Policy,” thus the County desires to adopt an updated “Discriminatory Harassment Policy” separate from the already approved Equal Employment Opportunity Plan (Resolution 2018-052);

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the “Discriminatory Harassment Policy” attached hereto.

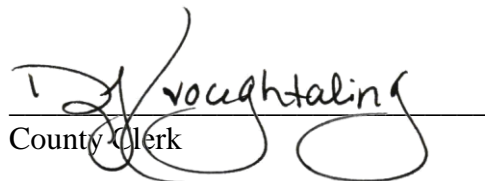
The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with the applicable law on the 27th day of February, 2018.


Sarpy County Board Chairman



Attest:

SEAL


County Clerk

**DISCRIMINATORY HARASSMENT POLICY
FOR SARPY COUNTY, NEBRASKA**



February 2018

Discriminatory Harassment Policy

I. Objectives:

- a. Sarpy County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment.
- b. Sarpy County has developed this Policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination and retaliation. Sarpy County will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

II. Individuals and Conduct Covered by this Policy:

- a. This Policy applies to all applicants and employees.
- b. This Policy applies to unacceptable conduct in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

III. Sexual harassment:

- a. Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws. For the purposes of this Policy, "sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: 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.
- b. Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. 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 unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

IV. Harassment:

- a. Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this Policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, national origin, age, disability, marital status, or any other characteristic protected by law, or that of his or 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.
- b. Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites, or other means.

V. Reporting an Incident of Harassment, Discrimination or Retaliation:

- a. Not all inappropriate conduct in the workplace meets the definition of harassment. However, other forms of inappropriate conduct in the workplace, although not in direct violation of this policy, may still be addressed through other avenues (e.g. Personnel Rules and Regulations).
- b. Sarpy County encourages the reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor or Human Resources. See the complaint procedure described below.
- c. In addition, Sarpy County encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. Sarpy County recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

VI. Complaint Procedure:

- a. Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct shall discuss their concerns with their immediate supervisor or Human Resources. In order to have the complaint considered for review, the complainant must file the complaint no later than 60 days after:

- i. The date of alleged act of wrongdoing; or
 - ii. Where there has been a continuing course of conduct, the date of the most recent act of alleged wrongdoing.
 - iii. In either case (i) or (ii), Sarpy may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.
- b. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed policy violation. In the event that a person makes a verbal complaint to an official or employee of Sarpy, the official or employee who received the verbal complaint shall notify the Human Resources Director. In turn, the person who made the verbal complaint shall be interviewed by the Human Resources Director and encouraged to reduce the complaint to writing.
- c. Within 10 calendar days, the Human Resources Director will acknowledge receipt of the allegation.
- d. Within 30 calendar days after receipt of the allegation, if necessary, the Human Resources Director will begin to conduct an investigation of the allegation and will thereafter timely render a final decision for action in a report of findings. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
- e. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.
- f. Retaliation against an individual for reporting an alleged policy violation or for participating in an investigation is a serious violation of this policy and will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed. For purposes of this policy, retaliation occurs when an employer takes an adverse action against an individual because he or she engaged in a protected activity.
- g. False and malicious complaints of wrongdoing (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.
- h. Responsive action will be recommended as warranted and may include training, referral to counseling or disciplinary action such as a warning,

reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination.

- i. The Human Resources Director will notify the complainant in writing after a resolution has been reached and will advise the complainant of his/her appeal rights.

VII. Dissemination of Plan:

- a. A copy of the Discriminatory Harassment Policy shall be available within the Human Resources Department and on www.sarpy.com.
- b. The HR Director shall be available on request to discuss concerns regarding concerns of discriminatory harassment within the workplace.