

PURPOSE

The purpose of this policy is to make all employees of the County aware that it is the policy of the County that sexual, racial or other forms of discrimination and harassment are illegal and improper and will not be tolerated.

POLICY:

Citrus County is committed to providing its employees with a workplace free of unlawful harassment. The County maintains a strict policy prohibiting discrimination or harassment on the basis of race, national origin, color, religion, gender, genetic information, age, physical or mental disability, marital status, sexual preference, political affiliation, or protected activity.

This prohibition applies to all employees, vendors, and customers of the County. No county employee is expected to tolerate any conduct prohibited by this policy from anyone while at work or engaged in County business. The County does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

Harassment is a form of discrimination and is included among the prohibitions of Title VII of the Civil Rights Act of 1964 and the Florida Civil Rights Act, which prohibit discrimination in employment based upon being a member of a protected class (i.e., race, color, gender, religion, national origin, age, marital status, disability), and is prohibited by the County.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical acts of a sex-based nature, where submission to such conduct is made a term or condition of employment, where an employment decision is based on an individual's acceptance or rejection of such conduct, or where such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Sexual harassment may involve not only members of the opposite sex but also of the same sex.

Other forms of harassment in addition to sexual harassment are also improper and will likewise not be tolerated. Such harassment involves unwelcome language or actions involving race, color, religion, national origin, age, gender, marital status, disability, genetic traits, sexual preference, or other protected characteristics.

Illegal or improper harassment of County employees is prohibited, whether by other employees or by persons who are not employed by, but do business with, the County.

In addition, the County will not allow any retaliation against any employee who raises a concern about improper or illegal harassment or participates in an investigation involving improper or illegal harassment.

Examples of Prohibited Sexually Related Conduct

The following are examples, but not an exhaustive list, of conduct that violates the County's prohibition of sexual harassment.

1. Unwelcome physical assaults or touching of a sexual nature, including:
 - a. Rape, sexual battery, molestation, or attempts to commit such acts.

- b. Intentional physical contact such as inappropriate touching, pinching, patting, grabbing, rubbing, hugging, or poking another employee's body.
 - c. Unwelcome sexual advances, propositions, and other comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of an employee who has indicated in any way that such conduct in his or her presence is unwelcome.
2. Job actions related to sexual matters such as:
 - a. Preferential treatment for submitting to sexual activity, including soliciting or attempting to solicit an employee to engage in sexual activity for compensation, job advancement or other reward.
 - b. Threatening to, or actually making an employee's job more difficult, or taking away any benefit or privilege to entice an employee to submit sexually.
3. Display of sexually related material, such as:
 - a. Pictures, posters, calendars, graffiti, objects, promotional material, reading or other material of a sexually suggestive or sexually demeaning nature.
 - b. Reading or otherwise publicizing in the work environment materials that are sexually revealing, pornographic, or sexually demeaning.

Examples of Other Illegal or Improper Harassment

Derogatory, critical or uncomplimentary jokes, comments, displays, posters, other written materials as well as actions based on age, race, gender, religion, national origin, marital status, sexual preference, disability, or other protected characteristics, are often unwelcome and hurtful to others and can be illegal. Such actions have no place in the work environment at the County and will not be tolerated.

The above examples are not to be considered a comprehensive list of prohibited conduct, but set forth examples of the types of conduct which are prohibited.

Making Complaints of Sexual or Other Illegal or Improper Harassment or Retaliation

Any employee who believes he/she has suffered sexual or other illegal or improper harassment or retaliation or who has observed such conduct should report it to his/her Department Head, the Human Resources Director or the County Administrator. In the event a complaint involves the County Administrator or any member of the Board, the complaint shall be made to the County Attorney. Any individual who is made aware of a potential violation, either by the victim, another employee, or a member of public is required to advise his/her Department Head, the Human Resources Director or the County Administrator so that the matter may be investigated.

All complaints will be investigated expeditiously. Upon completion, if the determination is made that a complaint is valid, the County will take appropriate remedial action, including disciplinary action up to and including dismissal from employment. If the complaint is found to be without merit, no disciplinary action will be taken against the employee against whom the complaint was made. Regardless of whether a complaint is found to be meritorious or not, the County, at its sole discretion, may consider reassignment or transfer of one or more of the employees involved if deemed to be in the best interests of the County.

Prohibition Against Retaliation

The County strictly prohibits retaliation against any employee by another employee or by the County through the actions of its supervisors and managers. Employees are protected against retaliation for:

1. Using the County's Grievance/Appeal Process;
2. Reporting harassment;
3. Filing, testifying, assisting, or participating in any manner in any investigation, proceeding or hearing conducted by the County or a government enforcement agency.

Bad Faith Claims of Harassment

Bad faith claims of harassment are claims made when the person making the claim knows the claim is false or without merit but makes it anyway. Persons who make bad faith claims of harassment under this subsection will be subjected to disciplinary action up to and including dismissal from employment.

FOOTNOTES & REFERENCES TO RELATED AR's: Supersedes Administrative Memo 92-02; AR 7.20 dated January 26, 1999; AR 7.06 dated January 26, 2010.