

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

IN RE:

APPROVING AN UPDATE OF THE LEWIS
COUNTY EMPLOYEE HANDBOOK
ATTACHMENT SIX, FAIR EMPLOYMENT

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)
)
) RESOLUTION # 12-031
)
)

WHEREAS, Lewis County is committed to maintaining current policies; and


WHEREAS, Lewis County recognizes that revisions and updates will be necessary from time to time; and

WHEREAS, it appears to be in the best interest of Lewis County to approve the update to the Lewis County Employee Handbook Attachment Part Six, Fair Employment.

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners approve the Lewis County Employee Handbook Attachment Part Six, Fair Employment attached hereto and incorporated herein.

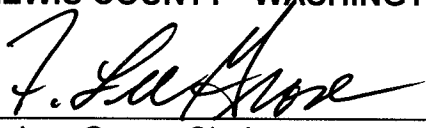
DONE IN REGULAR SESSION this 23rd day of January, 2012.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

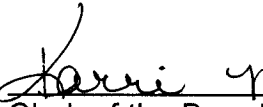


Civil Deputy, Prosecuting Attorney's Office

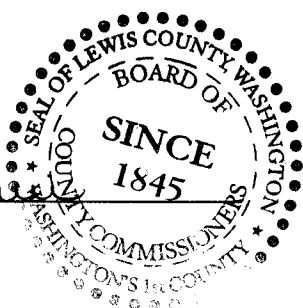
BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY WASHINGTON



F. Lee Grose, Chairman

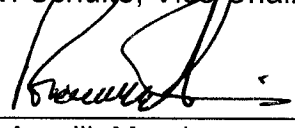
ATTEST:


Clerk of the Board





P. W. Schulte, Vice Chairman



Ron Averill, Member



Part Six Employee Handbook

SEXUAL HARASSMENT

Definition

Sexual harassment is a form of sex discrimination and is an "unlawful employment practice" under Title VII of the 1964 Civil Rights Act. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct constitute sexual harassment when:

1. Submission to such conduct is made, either explicitly or implicitly, as a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
3. Submission to such conduct either explicitly or implicitly is a term or condition of service delivery to a client or a contract award; or
4. 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.

Sexual harassment is defined as deliberate or repeated behavior of a sexual nature which is unwelcome. It can include verbal behavior such as unwanted sexual comments, suggestions, jokes or pressure for sexual favors; non-verbal behavior such as suggestive looks and leering; and physical behavior such as pats or squeezes, or repeatedly brushing against someone's body.

Policy

Lewis County will take all precautions to discourage sexual harassment from occurring. It is the employee's responsibility to bring all concerns of sexual harassment to the attention of management. This includes employees who think they are the recipient of sexual harassment as well as those who believe they have witnessed another employee being harassed. Confidentiality will be maintained as much as is permitted by law.

Sexual harassment negatively effects morale, motivation, and job performance. It results in increased absenteeism, turnover, inefficiency, and loss of productivity. It is inappropriate, offensive and illegal, and it will not be tolerated in Lewis County government.

Any employee found to have engaged in sexual harassment is in violation of this policy and shall be subject to discipline, up to and including termination. Employees proven to have filed an intentionally false complaint may be subject to disciplinary action up to and including termination of employment.

No employee will be retaliated against for complaining about harassment. An employee who restrains, interferes with, coerces, discriminates or engages in retaliation against any employee filing a complaint, seeking resolution, or witnessing sexual harassment, shall be subject to discipline up to and including termination.

The Board of Lewis County Commissioners firmly believes the employees of Lewis County to be capable of exercising good judgment and common sense in their working relationships and to treat one another in a fair and courteous manner. Such behavior helps protect the County and its employees from legal or disciplinary actions.

EQUAL OPPORTUNITY POLICY

Lewis County is an equal opportunity employer that provides access, free from discrimination based on race, color, national origin, religion, age, sex, marital status, sexual orientation, veteran status, pregnancy, disability, genetic information, or any other basis protected by law, in employment or provisions of services. Lewis County strives to eliminate any barriers that may prevent access to County facilities and services.

It is the policy of Lewis County to provide equal opportunity to all its employees and applicants for employment. This policy shall be given the highest priority in the day-to-day operations of Lewis County personnel activities.

PURPOSE

To assure a work environment free from discrimination and harassment against any persons on the basis of race, color, religion, creed, national origin, sex, age, marital status, sexual orientation, veteran status, disability, genetic information, or any other basis protected by law in all areas employment or provision of services. This Equal Opportunity policy has been developed in accordance with:

- Title 6 and Title 7 of the Civil Rights Act of 1964 as amended, the Equal Employment Act of 1972, Presidential Executive Order #11246 (as amended by Presidential Executive Order #11375), and Chapter 60 of Title 41 CFR, Part 60-2.
- Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, and Americans with Disabilities Act of 1990.
- The U.S. Department of Transportation's Federal Transit Administration's Equal Employment Opportunity Program Guidelines for Grant Recipients contained in Circular "UMTA C 4704.1" and the implementing regulation of UMT Act of 1964, as amended, 49 U.S.C. 1601, Section 19.
- The U.S. Department of Justice, Office for Civil Rights 28 CFR 42.301 governing requirements for grant recipients to establish and maintain an EEO Plan which includes race/gender workforce analysis, hiring and implementation plan components.
- Washington Administrative Codes governing employment regulations (Chapter 162-12, 16, 18, 20, 22 & 30), Revised Code of Washington Chapter 49.60 – Washington State Law Against Discrimination, as amended by Initiative 200.

REPORTING

The Human Resources Administrator shall be designated as the Lewis County Affirmative Action Officer. The Affirmative Action Officer is responsible for the development of the Affirmative Action

EFF DATE
01/23/2012

SUPERSEDES
06/01/2001

PERSONNEL MANUAL:
Fair Employment

PART PAGE
Six 2 of 4

Program, including implementation and maintenance of systems which monitor the effectiveness of the Affirmative Action Policy and related Fair Employment Policies, as defined by RCW 49.60.400. The Affirmative Action Officer is responsible for compiling data, preparing, and submitting the biennial EEO-4 report.

Any person applying for employment, a current employee, or an individual wanting to participate in a County sponsored program or activity, or their representative, may make a request for reasonable accommodation by contacting the ADA Coordinator at (360)740-1279 or Human Resources at (360)740-1408 or (360) 740-1480 TTY.

Lewis County reserves the right to create and implement bona fide occupational qualifications for any position within Lewis County government. Administration of this policy does not imply a contract of employment or revoke the County's At-Will employment policy.

Anyone having questions or complaints regarding Affirmative Action or Equal Employment Opportunities in Lewis County government is asked to contact the Affirmative Action Officer at (360) 740-2747 or (360) 740-1480 TTY. The Affirmative Action Officer is responsible for reporting to the Lewis County Board of Commissioners regarding these matters.

HIV/AIDS NONDISCRIMINATION POLICY

Lewis County recognizes persons who have or are perceived by others to have Human Immunodeficiency Virus (HIV) or Acquired Immune Deficiency Syndrome (AIDS) or AIDS-Related Complex (ARC) and those who have tested positive for the AIDS virus antibody or who are members of one of the high risk groups, are related to or live with someone who has HIV/AIDS are protected by federal, state, and local laws prohibiting discrimination in employment. Acquired Immune Deficiency Syndrome is a medical condition considered to be a disability under the Washington State Law Against Discrimination, RCW 49.60. Every Lewis County employee has the right to be free from discrimination in employment on the basis of race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin, or the presence of any sensory, mental, or physical handicap, or any other basis protected by law.

FAIR EMPLOYMENT COMPLAINT PROCEDURE

Anyone having complaints regarding affirmative action or equal employment opportunities in Lewis County government is asked to contact the Affirmative Action Officer at (360) 740-2747, Risk & Safety Administrator at (360) 740-1279, Elected Official, Director, or (360) 740-1480 TTY, or can be mailed to:

Affirmative Action Officer
Lewis County
351 NW North Street
Chehalis, WA 98532

All employees, candidates, clients, and applicants of Lewis County government agencies are encouraged to use this complaint procedure when it is believed discrimination has occurred in

EFF DATE
01/23/2012

SUPERSEDES
06/01/2001

PERSONNEL MANUAL:
Fair Employment

PART PAGE
Six 3 of 4

employment or services within Lewis County government or by its contractors. Complaints will be treated as confidential as possible, and all records of the complaint and investigation will be maintained in a secure manner. Assistance will be provided to anyone requesting assistance in filing a complaint.

A complaint should be filed in accordance with the law, and have sufficient information for the Affirmative Action Officer to determine the substance of the complaint. If an informal investigation is warranted, the complainant and their representatives will be given an opportunity to submit additional information relevant to the investigation.

The Affirmative Action Officer will determine the complaint's validity and issue a written judgment resolving the complaint. The complainant will be notified of the decision and/or resolution. A request for reconsideration can be made within ten (10) calendar days of the decision to:

Board of County Commissioners
360 NW North St.,
MS: CMS01
Chehalis, WA 98532-1900

The Board of County Commissioners may refer the reconsideration for further investigation, and after further investigation issue a decision on the complaint. The complainant shall be notified of the decision. The decision of the Board of County Commissioners is final within Lewis County.

A complaint may also be filed as per Washington State Law Against Discrimination, Chapter 49.60 RCW or Title VI and VII of the 1964 Civil Rights Act of 1964 with the Department of Social and Health Services (DSHS) Office of Equal Opportunity, Washington State Human Rights Commission, Equal Employment Opportunity Commission, Office of Civil Rights, or any other appropriate civil rights enforcement entity



Human Resources

351 NW North Street
Chehalis WA 98532

EXECUTIVE SUMMARY

Summary:

This is a revision of the Lewis County Employee Handbook Attachment Fair Employment Policy. This policy is to be incorporated in the Diversity & Inclusion training, and is a part of employee signed acknowledgement for class completion that is kept on file to indemnify the County.

Background:

The policy has not been revised since June 1, 2001. County procedures and the organization structure have been modified since that time. As well, there have been changes to State and Federal laws. To ensure that the most current information and best practices are being used, the following have been added or modified to the Handbook:

- To remove the Chief Administrative Officer (CAO) as the Affirmative Action Officer
- To add the Human Resources Administrator as the Affirmative Action Officer
- To update the list of current Protected Classes in all sections
- To add the phrase “. . . or any other basis protected by law . . .” to be inclusive of any legal updates to Protected Class category in all sections
- And general housekeeping (i.e., spelling, grammar)

For January 23, 2012

