



King County
Records and Elections Division
Archives and Records Management
Department of
Executive Administration
King County Administration Building
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Seattle, WA 98104
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March 26, 1999

TO: DEPARTMENT POLICY/PROCEDURE MANUAL STATIONS

FM: Archives and Records Management

RE: Distribution of Executive Policy PER 22-3-2 (AEP)

This memo transmits a superseding Executive Policy PER 22-3-2 (AEP), "Anti-Sexual Harassment Policy and Procedures". This policy supersedes PER 22-3-1 (AEP), "Sexual Harassment Policy and Procedures". Please place the attached document in the AEO/AEP binder of your Policy/Procedure Manual Station behind the PER index tab, and remove the superseded policy.

This document is also available on the King County web page at <http://www.metrokc.gov/recelec/archives/polindx.htm>. If you have any questions, please call Linda Grob at 296-1572.

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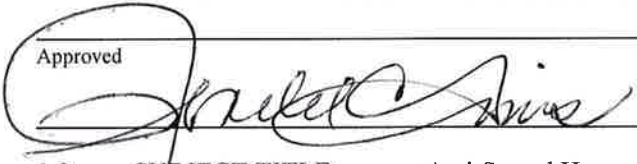




**KING COUNTY
Administrative Policies and Procedures**

**Executive Orders,
Policies & Procedures**

SUPERSEDED BY: _____

Title	Document Code No.
ANTI-SEXUAL HARASSMENT POLICY & PROCEDURES	PER 22-3-2 (AEP) 138
Department/Issuing Agency	Effective Date
OFFICE OF HUMAN RESOURCE MANAGEMENT	90 days from signature date
Approved	Date Signed
	3-8-99

1.0 **SUBJECT TITLE:** Anti-Sexual Harassment Policy and Procedures

1.1 **EFFECTIVE DATE:** June 8, 1999

1.2 **TYPE OF ACTION:** Supersedes PER 22-3-1 (AEP)

1.3 **KEYWORDS:** Sexual Harassment, Discrimination, Management

2.0 **PURPOSE:**

To update the King County Executive's policy that sexual harassment, and establish that inappropriate behavior of a sexual nature, and/or retaliation will not be tolerated and to set forth procedures for resolving such allegations.

3.0 **ORGANIZATIONS AFFECTED:** All executive branch departments, offices, divisions, and agencies.

4.0 **REFERENCES:**

4.1 K.C.C. 12.18, Fair Employment Practices

4.2 Revised code of Washington, Chapter 49.60.180

4.3 Title VII of the Civil Rights Act of 1964, as amended in 1972, 29 CFR, Part 1604

5.0 **DEFINITIONS:**

5.1 "Sexual Harassment" is a form of unlawful discrimination. It includes unwelcome sexual advances, request for sexual favors, display of sexually-oriented materials, and other verbal or physical conduct of a sexual nature. It is illegal when: 1) submission to such conduct, either explicitly or implicitly, is made a term or condition of an individual's employment; or 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive environment.

5.2 "Inappropriate behavior of a sexual nature" means behavior that, while not amounting to a sexual harassment, has a sexual component and, in the judgment of management, has the potential to lower morale and productivity. Occasional compliments of a socially acceptable nature and conduct or actions that arise

out of a personal or social relationship and do not have a discriminatory effect on employment may not be viewed as inappropriate behavior of a sexual nature.

- 5.3 Retaliate” means to take adverse action against an individual because he/she has exercised his/her rights protected under the law such as complaining about sexual harassment, assisting with or participating in the resolution or investigation of sexual harassment allegation, and/or speaking out against sexual harassment at the workplace.
- 5.4 “OHRM” refers to the King County Office of Human Resource Management. Specifically, policy development, and support for dissemination, training, and technical assistance will be provided by Diversity Management Services Division. Coordination of responses to complaints filed with enforcement agencies will be provided by the Director's Office.
- 5.5 “Designee(s)” refers to lead staff appointed by the Department or Agency Director to provide oversight, tracking and guidance to supervisors and managers to ensure the appropriate handling of alleged policy violations.
- 5.6 “Enforcement agencies” means agencies that are authorized by law to accept and investigate employment discrimination complaints such as the Equal Employment Opportunity Commission, the Washington State Human Rights Commission, and the King County Office of Civil Rights Enforcement (OCRE.)

6.0 POLICIES

- 6.1 It is the policy of King County that employees not be discriminated against on the basis of sex. In keeping with that policy, the King County Executive will not tolerate sexual harassment, inappropriate behavior of a sexual nature and/or retaliation by any Executive Branch employee. The Executive considers sexual harassment to be misconduct in violation of this policy.
- 6.2 Supervisors, as well as employees with supervisor responsibilities shall report all incidents of sexual harassment; inappropriate behavior of a sexual nature and/or retaliation, and that any County employee who experiences or witnesses such conduct are strongly encouraged to report it.
- 6.3 All reports of alleged violations of this policy will be addressed through the procedures set forth below. Reports may be oral or written and may come from any source.
- 6.4 All employees with supervisory responsibilities should be trained in detecting and addressing sexual harassment, inappropriate behavior of a sexual nature, and retaliation.

7.0 PROCEDURES

<u>Responsible Party</u>	<u>Action</u>
OHRM	7.1 Work with Executive branch departments, offices and agencies to develop this policy and disseminate a summary of this policy to all employees.
Employee	7.2 Any County employee who experiences or witnesses what may be sexual harassment, inappropriate behavior of a sexual nature and/or retaliation should address or report it according to the following procedures. <ul style="list-style-type: none">7.2.1 Confront the alleged harasser to stop the behavior, and/or7.2.2 Report incident of alleged sexual harassment to immediate supervisor, any other member of management within your agency, your director, his/her designee and /or

Effective Date: 6/8/99

- 7.2.3 Exercise your rights available under County, state or federal law, or applicable collective bargaining agreement to file a complaint of sexual harassment and/or retaliation.
- Supervisor 7.3 Employees with supervisory responsibilities shall model appropriate behavior and strive to cultivate and maintain a work environment that is free from sexual harassment, inappropriate behavior of a sexual nature, and/or retaliation.
- 7.4 Supervisors will inform their employees of the County policy and procedures, and encourage them to report incidents of alleged said behavior to prevent and resolve such issues at the work place.
- 7.5 Supervisors who witness or learn of possible sexual harassment, inappropriate behavior of a sexual nature and/or retaliation or receive a complaint or concern from an employee must take it seriously and respond promptly and appropriately by:
- 7.5.1 Make a preliminary determination whether the complaint or concern can be addressed without additional investigation. Note that repeated complaints or concerns of a similar nature must be investigated.
- 7.5.2 Where an investigation is appropriate, develop a response plan. The plan may include describing the investigation protocol and plan, coaching the complainant on how to tell the harasser to stop the behavior, mediating or in some cases of a more serious nature, immediately taking action to separate the complainant and the accused, pending completion of the investigation.
- 7.5.3 Inform the Department Director's designee and consult with the designee and/or OHRM for technical assistance.
- 7.5.4 As needed, conduct a prompt investigation to determine whether a violation of this policy has occurred based on all facts and circumstances, the nature of the allegation, and context in which the alleged incidents occurred. Based on this determination, make a preliminary decision on what, if any action shall be taken.
- 7.5.5 Consult with the Department Director's designee on the results of the investigation and recommended disposition of the complaint or concern and any corrective and/or preventive measures such as discipline, training and monitoring of the situation.
- 7.5.6 Inform the employee who raised the complaint or concern, and the accused employee of the results of the investigation orally and in writing, whether or not there was a finding of sexual harassment, inappropriate behavior of a sexual nature, and/or retaliation.
- 7.5.7 Promptly implement identified corrective and/or preventive measures.
- 7.5.8 Monitor for retaliation against any person involved in the filing or investigation of said complaint or concern.
- 7.5.9 Upon receipt of a complaint filed with an enforcement agency, immediately notify and provide a copy of the complaint to the Director's Office designee and to OHRM, and cooperate in the investigation process.
- Designee 7.6 On behalf of the Director, provide oversight, tracking, monitoring, and guidance to management to ensure appropriate handling of sexual harassment, inappropriate behavior of a sexual nature, and/or retaliation complaints or concerns. Provide complaint/concern information to OHRM on a

regular basis. Ensure dissemination of the policy summary to all employees with written acknowledgment of receipt.

OHRM 7.7 Provide policy development, training and technical assistance to King County Executive Branch departments and agencies.

7.7.1 Provide training to departments and/or provide referrals to qualified training consultants; provide tracking mechanism to departments; and conduct annual review of alleged and proven violations of this policy to determine patterns and practices for prevention/intervention purposes.

7.7.2 Coordinate with the department's response to sexual harassment and/or retaliation complaints filed with enforcement agencies or in court.

8.0 RESPONSIBILITIES:

Responsibility Action

Directors 8.1 Inform all employees including supervisors that: (a) sexual harassment or inappropriate behavior and/or retaliation in connection with filing said complaints or expressing concerns will not be tolerated and is a serious misconduct which may result in disciplinary action; and (b) there are procedures that must be followed immediately if employees believe they have been subjected to above behaviors.

8.2 Provide leadership, resources and hold management accountable to ensure successful notification, training, implementation and compliance with this policy.

OHRM 8.3 Develop policy summary, training program, consultant resources, provide technical assistance and tracking mechanism for departmental dissemination and policy implementation purposes.

Supervisors 8.4 Comply with this policy and procedures outlined within.

Employees 8.5 Comply with this policy and procedures, and bring forward issues of sexual harassment, inappropriate behavior of a sexual nature, and/or retaliation as outlined under this policy.