

Nondiscrimination, Anti-Harassment & Inappropriate Conduct Policy, Procedures & Responsibilities

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POLICY

King County is committed to maintaining a respectful, productive, inclusive and equitable workplace. Therefore, all elected officials and employees are expected to act with fairness, civility, integrity and to treat all coworkers equitably. Discrimination, harassment, retaliation, and other inappropriate conduct that undermines the integrity of the employment relationship is prohibited. All complaints of conduct inconsistent with these expectations, regardless of whether the conduct rises to the level of unlawful discrimination, harassment or retaliation will be investigated and substantiated complaints will result in prompt, corrective action, up to and including termination.

King County prohibits discrimination or harassment that is related to anyone's race, color, sex, age, creed, disability, marital status, national origin, religion, pregnancy, gender, gender identity or expression, genetic information, sexual orientation, veteran or military status, use of a service animal, and any other status protected by federal, state and local law. Additionally, King County prohibits retaliation of any kind against employees, who in good faith, report harassment, discrimination or retaliation, or assist in the investigation of such complaints.

DEFINITIONS

Discrimination occurs when an employer takes a discrete adverse employment action against an employee and the employee's protected status was a substantial factor in the employer's decision.

- **Disability Discrimination** occurs when the employer knows that an employee is unable to perform an essential function of the job due to a disability and fails to provide a reasonable accommodation that would enable the employee to perform the essential function.

Discrete Adverse Employment Action, in the case of discrimination, is an action that substantially affects the terms, conditions, or privileges of employment. It includes, but is not limited to, discipline, discharge, layoff and a failure to hire or promote.

- **In the case of retaliation**, it is an action that would discourage a reasonable employee from making a complaint or participating in a discrimination, harassment or retaliation investigation or proceeding.

Protected Status includes an employee's sex, age, creed, disability, marital status, national origin, race, color, religion, pregnancy, gender, gender identity or expression, genetic information, sexual orientation, veteran or military status, use of a service animal, and any other status protected by federal, state and local law.

Harassment is unwelcome conduct that can take many forms, including but not limited to, innuendoes, unwelcome compliments, suggestive or insulting noises, facial expressions, vulgar language, nicknames, slurs, derogatory comments, cartoons, jokes, pranks, written materials, and offensive gestures or touching. It is illegal when:

- Enduring the conduct becomes a condition of continued employment; or
- The conduct is severe or pervasive enough to create an environment that a reasonable person would consider intimidating, hostile or abusive.

Sexual Harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, displays of sexually oriented material, or other verbal or physical conduct of a sexual nature:

- Is explicitly or implicitly made a term or condition of employment;
- Is used as a basis for an employment decision; or
- Unreasonably interferes with an employee's work performance, or creates an intimidating, hostile or otherwise offensive environment.

Both the victim and the harasser can be the same gender or gender identity.

Retaliation occurs when a supervisor or manager takes a discrete adverse employment action against an employee because the employee reported discrimination, harassment or retaliation or assisted in the investigation or proceeding of such complaints.

Inappropriate Conduct is conduct that, while not rising to the level of unlawful discrimination, harassment or retaliation, communicates a hostile, derogatory or negative message about persons based on protected status. Inappropriate conduct can be either verbal or nonverbal and includes slights, insults and other conduct that a reasonable person would find offensive.

Disability is a sensory, mental or physical impairment that: (1) is medically recognized or diagnosable; (2) exists as a record or history; or (3) is perceived by the employer to exist, whether or not it actually exists. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, limits the ability to work generally or work at a particular job, or limits any other activity.

REPORTING PROCEDURES

Reporting Discrimination, Harassment, Retaliation or Inappropriate Conduct

If you believe that you have been the subject of inappropriate, discriminatory or harassing conduct in violation of this policy, or you have been subjected to retaliation for reporting such conduct, you should report the conduct to one of the County's Human Resources (HR) Managers, the Workforce Equity Manager, or the Equal Employment Opportunity (EEO) Officer for Metro Transit. You can make a report to anyone on the list below; it does not have to be your department HR Manager.

- [List of the current HR Managers, Workforce Equity Manager, and EEO Officer for Metro Transit](#)

Allegations of conduct in violation of this policy made against the King County Executive, Assessor or the Director of Elections should be reported to the Department of Human Resources Director.

All information will be maintained on a confidential basis to the greatest extent possible. However, such information may be subject to disclosure under Washington's Public Records Act, RCW 42.56, and RCW 41.56, or for relevant litigation. Additionally, information may need to be disclosed to employees in order to carry out the purpose and intent of this policy.

If you feel that your complaint is not being adequately addressed by the managers listed above, please contact the Department of Human Resources Director.

If you are concerned that you or another King County Employee have been subjected to treatment in violation of this policy and you want to have a confidential discussion about your concerns, please contact the Employee Assistance Program at 206-477-0632 or 206-477-0631, or Making Life Easier at 1-888-874-7290. These resources offer comprehensive programs and services that help King County employees, and their families, to be healthy and safe.

RESPONSIBILITIES

Responsibilities of All King County Executive Branch Employees and Elected Officials

All employees and elected officials in executive branch departments, offices, divisions and agencies, including the Assessor's Office, Elections, and the Sheriff's Office, shall be responsible for:

- Acting professionally and refraining from discriminatory, harassing, retaliatory or inappropriate conduct;
- Becoming familiar with the provisions of this policy, complying with all requirements of this policy, and cooperating with any inquiry under this policy; and
- Promptly reporting, as outlined above, any incident of discriminatory, harassing, retaliatory or inappropriate conduct that the employee experiences or observes. The County cannot correct discriminatory, harassing, retaliatory or inappropriate conduct if the conduct is not known.

Where an inquiry establishes that an employee engaged in discriminatory, harassing, retaliatory or inappropriate conduct, the employee will be subject to appropriate corrective action, up to and including termination. The corrective action issued will be proportionate to the severity of the misconduct.

Responsibilities of the Human Resources Managers, the Workforce Equity Manager, and the Equal Employment Opportunity Officer for Metro Transit

The HR Managers in executive branch departments, offices, divisions and agencies, the Workforce Equity Manager and the EEO Officer for Metro Transit shall be responsible for:

- Receiving allegations of discriminatory, harassing, retaliatory or inappropriate conduct;
- Promptly conducting or overseeing fair and impartial investigations into allegations of discriminatory, harassing, retaliatory or inappropriate conduct;
- Advising supervisors and managers on interim actions, as needed, to ensure misconduct does not occur pending the outcome of the investigation;
- Communicating with the complaining party about the status of the investigation, the resolution of the investigation, and what actions will be taken, if applicable;
- Advising the relevant division and/or department director about allegations of discriminatory, harassing, retaliatory or inappropriate conduct and the resolution of those allegations under this policy;
- Providing the Department of Human Resources Director, the Department Director and the Division/Office Director with quarterly reports on complaints filed under this policy and the outcome of the investigations; and
- Documenting the allegations received and the steps taken to address them.

Responsibilities of Supervisors and Managers

All supervisors and managers in executive branch departments, offices, divisions and agencies, including the Assessor's Office, Elections, and the Sheriff's Office, shall be responsible for:

- Acting promptly and appropriately to prevent discrimination, harassment, retaliation or inappropriate conduct in the workplace;
- Reporting to their HR Manager, as outlined above, any incident of discrimination, harassment, retaliation or inappropriate conduct that they witness or is otherwise brought to their attention;
- Receiving and handling allegations of discrimination, harassment, retaliation or inappropriate conduct promptly and appropriately, as outlined above;
- In consultation with the HR Manager, Workforce Equity Manager or EEO Officer for Metro Transit, providing interim actions, as needed, to ensure that misconduct does not occur pending the outcome of the investigation; and
- In consultation with the HR Manager, Workforce Equity Manager or EEO Officer for Metro Transit, taking prompt and appropriate corrective and disciplinary action, up to and including termination, against employees who have engaged in discriminatory, harassing, retaliatory or inappropriate conduct or who have not carried out their responsibilities under this policy.

Responsibilities of Division and Department Directors

All directors in executive branch divisions and departments, including the Assessor's Office, Elections, and the Sheriff's Office, shall be responsible for:

- Acting promptly and appropriately to prevent discrimination, harassment, retaliation or inappropriate conduct in the workplace;
- In consultation with the HR Manager, Workforce Equity Manager or EEO Officer for Metro Transit, insuring that interim action is provided, as needed, to ensure that misconduct does not occur pending the outcome of the investigation; and
- In consultation with the HR Manager, Workforce Equity Manager or EEO Officer for Metro Transit, taking prompt and appropriate corrective and disciplinary action, up to and including termination, against employees who have engaged in discriminatory, harassing, retaliatory or inappropriate conduct or who have not carried out their responsibilities under this policy.

Consequences of Non-Compliance

Any employee, manager, supervisor, HR Manager, Workforce Equity Manager, EEO Officer, or Division or Department Director found to have failed to properly carry out the responsibilities outlined above, shall be subject to appropriate corrective action, up to and including termination.

ADDITIONAL RESOURCES & AVENUES FOR REPORTING AVAILABLE TO EMPLOYEES

King County Civil Rights Program, Office of Equity and Social Justice,
<https://kingcounty.gov/elected/executive/equity-social-justice/civil-rights.aspx>

- The enforcement unit of the Civil Rights Program investigates and resolves complaints of discrimination, provides education and offers technical assistance. They work as impartial fact-finders and do not represent any party.

Washington State Human Rights Commission, <https://www.hum.wa.gov/>

U.S. Equal Employment Opportunity Commission, <https://www.eeoc.gov/>