

No Harassment and No Discrimination Policy

*Effective Date: Adopted 6/92; Revised 4/00; 4/06; 12/11; **09/20***

§-I. PURPOSE Cobb County is committed to a work environment in which all individuals are treated with respect and dignity. Individuals have the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, Cobb County expects that all relationships among persons will be business-like and free of bias, prejudice and harassment. This policy will ~~establish~~ **establishes** safeguards for employees against harassment and discrimination in the workplace that are consistent with federal employment law and guidelines enforced by the Equal Employment Opportunity Commission, **and sets forth avenues for reporting allegations of harassment and/or discrimination.**

§-II. SCOPE Board of Commissioners' Employees.

§-III. POLICY

Cobb County does not and will not tolerate harassment or discrimination of its employees. Toward this end, Cobb County will strive to create an environment free of harassment and discrimination. Included in this approach is the requirement of mandatory No Harassment/**No Discrimination** training for all Board of Commissioners' employees, including supervisors, managers and Department/Agency Heads.

No supervisor or other member of management has the authority to suggest to any employee that the employee's continued employment or future advancement will be affected in any way by that employee's entering into (or refusing to enter into) any form of personal relationship with a supervisor or member of management. **Supervisors or other members of management who are found to have engaged in such behavior will be subject to disciplinary action, according to this policy.**

Cobb County is committed to taking prompt and reasonable steps to investigate allegations of harassment and/or discrimination and to taking appropriate corrective action to eliminate harassment and/or discrimination. **Harassment or discrimination can be perpetrated by employees, vendors, contractors, or members of the community. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, including but not limited to business trips, business meetings and other business-related social events.**

Cobb County will not tolerate retaliation against an individual for reporting violations of this policy and/or for participating in an investigation of a complaint.

If Cobb County determines that an employee's conduct has violated ~~Violation of this policy,~~ **the County will take steps to ensure the conduct is effectively addressed, and any employee found to have engaged in harassing, discriminatory or retaliatory conduct** will **be** subject ~~an employee~~ to disciplinary action, up to and including

immediate termination. **Further, a policy violation not resulting in termination will be taken into consideration in any performance appraisal or promotional decision.**

§-IV. DEFINITIONS

A. Under this policy, the term "harassment" includes, but is not limited to, offensive slurs, jokes, comments, gestures, pictures, posters, objects or graffiti, and any other offensive verbal, graphic, or physical conduct relating to an individual's race, color, sex **(which includes pregnancy, sexual orientation and gender identity)**, religion, national origin, citizenship, age, or disability. Communications that are harassing include, but are not limited to, those conveyed in person, in writing, via email, **text message, social media, or any other form of electronic communication.** **Such harassment is prohibited when it creates an intimidating, hostile or offensive work environment that unreasonably interferes with an individual's work performance.**

B. Under this policy, "harassment" includes specifically "sexual harassment," which is a form of discrimination. "Sexual harassment" includes engaging in speech or conduct of a sexual nature which is known or should reasonably be known to be unwelcome. It includes, but is not limited to, sexual advances, requests for sexual favors, sexual remarks, suggestive comments and gestures, the display of sexually suggestive pictures, posters, objects or graffiti, offensive physical contact or touching, and other verbal, graphic, or physical conduct of a sexual nature. Such conduct is prohibited when it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

C. Under this policy, the term "discrimination" includes making employment decisions on the basis of an individual's race, color, sex **(which includes pregnancy, sexual orientation and gender identity)**, religion, national origin, citizenship, age, veteran status, or disability or engaging in practices that have the effect of discriminating against individuals on the basis of their race, color, sex, religion, national origin, citizenship, age, veteran status, disability, **or any other classification protected by law in matters of employment.**

§-V. PROCEDURES

A. An employee should not assume that the County is aware of any problems s/he may be experiencing or that the County is aware of any problems being experienced by other employees. It is the responsibility of employees to bring any complaints or concerns to the County's attention so that they may be addressed. **An effective No Harassment No Discrimination policy depends on all of employees, working together to address this very important subject; therefore,** the following alternate avenues are available to employees to report acts they believe to be discriminatory or harassing:

(1) Any employee who believes s/he has been harassed or discriminated against by a **any County Employee** ~~supervisor, co-worker,~~ contractor, vendor, or member of the general public, must report the matter to **someone in** his/her ~~supervisor, Division Manager, Department/Agency Head, or~~ chain of command. **Those receiving the complaint must then immediately report the complaint to Human Resources for review and/or investigation.** As an alternative to the requirements for reporting outlined above, any employee who believes s/he or any other individual has been harassed or discriminated against **by any party** may contact the Human

Resources Director, or the Employee Relations Specialist, **the County Attorney or the County Manager.**

(2) Any employee who has knowledge or information that any other individual has been harassed or discriminated against by a supervisor, co-worker, contractor, vendor, or member of the general public **any individual listed in Section (V)(1) above must follow the reporting structure as outlined in Section (V)(1) above.** report the matter to his/her supervisor, Division Manager, Department/Agency Head, or chain of command immediately.

~~(3) Any employee who believes s/he or any other individual has been harassed or discriminated against by the employee's Department Head or Agency Head should must immediately contact the County Manager or the Human Resources Director.~~

~~(4) Any employee who believes s/he has been harassed or discriminated against by any Department Head or Agency Head must immediately contact his/her Department/Agency Head, the Human Resources Director, or the County Manager.~~

~~(5) Any employee who believes s/he has been harassed or discriminated against, or has knowledge or information that any other individual has been harassed or discriminated against by an elected official must immediately contact the County Manager or the County Attorney.~~

~~(6) Any employee who believes s/he has been harassed or discriminated against, or has knowledge or information that any other individual has been harassed or discriminated against by the County Manager, must immediately contact a Commissioner or the County Attorney.~~

~~(7) As an alternative to the requirements for reporting outlined above, any employee who believes s/he or any other individual has been harassed or discriminated against may contact the Human Resources Director, or the Employee Relations Specialist.~~

~~(8)~~**(3)** Any employee who believes that his/her complaint has not been handled appropriately, must immediately contact the Human Resources Director.

(4) In addition, Cobb County encourages individuals who believe they are being subjected to such conduct, if they feel comfortable, to promptly advise the offender that his/her behavior is unwelcome and to request that it be discontinued. Employees are encouraged to document their notice to the offender, including the date, time and manner in which the employee notified the offender that the behavior is unwelcome. Often this notice alone will resolve the problem. Cobb County recognizes, however, that an individual may prefer to pursue the manner through the above outlined complaint procedures.

B. Complaints will be promptly, thoroughly, and impartially investigated **by Human Resources, as determined by the Human Resources Director and/or the County Attorney.** When notified, employees will be required to participate and cooperate in an investigation and employees will be required to cooperate and provide full and truthful information. Failure to cooperate in an investigation, including the requirement to provide truthful information, may result in disciplinary action, up to and including termination. Once

reported, complaints of harassment and/or discrimination cannot be withdrawn by the complaining employee(s).

~~C. When any supervisor or member of management, including the Department/Agency Head, receives a report of harassment and/or discrimination, the supervisor or member of management must notify and consult with Human Resources and/or the County Attorney's Office prior to commencing an investigation to determine the appropriate investigator and appropriate course of action.~~

~~D. All investigations will be reviewed by Human Resources and the County Attorney's Office prior to being finalized and prior to the results being discussed with employees.~~

~~E. **C.** Where violations of this policy have occurred, immediate **timely** and appropriate disciplinary action, up to and including termination, will be taken. **While some petty slights, annoyances, or isolated incidents may not rise to the level of severe or pervasive behavior that would violate this policy, these behaviors may violate other Cobb County policies, and will be addressed promptly.**~~

~~F. **D.** Complaints will be kept as confidential as possible within the confines of a reasonable investigation.~~

~~G. **E.** Employees will not be penalized for reporting conduct when they believe in good faith that there may be a violation of this policy. **No employee will be retaliated against for voicing a complaint in good faith, or for participating in an established complaint resolution process. Anyone who intentionally supplies false or misleading information (to include the original complaint), or who attempts to harass, intimidate or retaliate against an employee for filing a complaint, or for providing information in connection with a complaint will be subject to disciplinary action, up to and including termination of employment.**~~