

RESOLUTION NO. 91-11  
AMENDING RESOLUTION NO. 23-10  
AMENDING THE MASON COUNTY PERSONNEL POLICIES

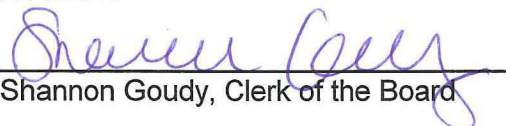
WHEREAS, the Board of County Commissioners has determined that certain changes in the Mason County Personnel Policies are necessary for the updated Non-Discrimination and Harassment Policy;

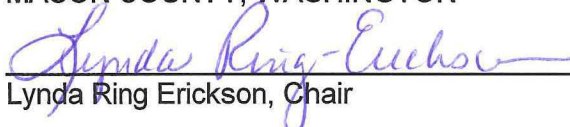
NOW, THEREFORE, BE IT RESOLVED, that the Board of Mason County Commissioners does hereby amend the Mason County Personnel Policies by changing the Table of Contents (Attachment A), deleting items from Chapter 2 (Attachment B), and adding the new Non-Discrimination and Harassment Policy as Chapter 12 (Attachment C).

DATED this 13<sup>th</sup> day of December, 2011.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON


ATTEST:

  
Shannon Goudy, Clerk of the Board

  
Lynda Ring Erickson, Chair

  
Tim Sheldon, Commissioner

APPROVED AS TO FORM:

  
Tim Whitehead, Chief Civil Deputy  
Prosecuting Attorney

  
Steve Bloomfield, Commissioner

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## CHAPTER 2 GENERAL POLICIES AND PRACTICES

### ~~2.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY~~

~~The County is an equal employment opportunity employer. The County employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of job-related qualifications and competence. These policies and all employment practices shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, or disability.~~

### ~~2.2 DISABILITY DISCRIMINATION PROHIBITED~~

~~The County will not discriminate against qualified applicants or employees with a sensory, physical or mental disability. The County will provide reasonable accommodation to a qualified person with a disability to perform the essential functions of their job, unless doing so causes undue hardship to the County.~~

### ~~2.3 ANTI-HARASSMENT POLICY~~

~~It is the County's policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the County will not tolerate harassment that is made by employees toward co-workers or members of the public. Employees are expected to show respect for each other and the public at all times, despite individual differences.~~

~~Harassment is defined as verbal or physical conduct that demeans or shows hostility or aversion toward another employee or members of the public. Examples of prohibited conduct include slurs or demeaning comments to employees or members of the public relating to race, ethnic background, gender, religion, sexual orientation, age, or disability.~~

~~See Discrimination Complaint Procedure, Policy 2.5, for guidance on what to do if you experience harassment.~~

### ~~2.4 SEXUAL HARASSMENT PROHIBITED~~

~~Sexual harassment is a form of sex discrimination and is illegal. Sexual harassment will not be tolerated by the County.~~

~~Sexual harassment is behavior of a sexual nature which is unwelcome. Examples of sexual harassment 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. Other conduct also may constitute sexual harassment depending upon given facts and circumstances.~~

~~Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:~~

- ~~1. submission to such conduct is either an explicit or implicit term or condition of 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 the individual's work performance or creating an intimidating, hostile, or offensive work environment.~~

~~Employees engaging in sexual harassment are subject to discipline, including termination. See Discrimination Complaint Procedure, Policy 2.5, for guidance on what to do if you experience sexual harassment.~~

## ~~2.5 DISCRIMINATION COMPLAINT PROCEDURE~~

~~Each employee is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers and others, including the citizens they serve. The following procedure outlines the steps to follow if you believe you have experienced harassment or discrimination on the job.~~

~~If you believe that you have been harassed or are the victim of discrimination, if possible, you should try to identify the offensive behavior to the harasser and request that it stop. In the event you are uncomfortable with such informal, direct communication and/or the offending behavior continues, you should discuss your concern immediately with your supervisor, your Elected Official or Department Head, or the Human Resources Department. No employee will suffer retaliation for reporting such concern. To the extent possible, complaints will be handled confidentially.~~

~~If it is determined that the accused employee did engage in harassment or discrimination, appropriate action will be taken. Such actions may range from a counseling letter to an employee's file to discharge from employment. An employee who files a malicious or knowingly false complaint may also be subject to disciplinary action.~~

## ~~2.6 EMPLOYEE PERSONNEL RECORDS~~

~~A personnel file for each employee is kept in the Human Resources Department and/or in the department in which he/she works. An employee's personnel file contains the employee's name, title and/or position held, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, insurance enrollment forms, personnel actions affecting the employee, including discipline, and other pertinent information. Medical information about employees is contained in a separate confidential file.~~

~~Employees have the right to review their file. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the County denies the employee's request to remove the information, employees may file a written rebuttal statement to be placed in their file.~~

Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without a written request for specific information and notification to the employee.

## 2.7 EMPLOYMENT REFERENCES

Only the Elected Official or Department Head is authorized to provide employment references on current or former County employees. Other employees shall refer requests for references to the appropriate Elected Official or Department Head. References will be limited to verification of employment and salary unless the employee has completed a written waiver and release. Standardized release forms are available at the Human Resources Department.

## CHAPTER 12 NON-DISCRIMINATION & HARASSMENT POLICY

### 12.1 PURPOSE

The purpose of this policy is to provide guidelines to elected officials, department heads, employees, volunteers, and members of the public to ensure equal access to County services and employment opportunities regardless of a person's sex, race, national origin, religion, age, disability, marital status, creed, political belief, sexual orientation, veteran's status, or any other protected status under federal or state statute. Additionally, the policy provides guidelines for identifying, reporting, and resolving claims of discrimination or related retaliation. This policy supersedes all previous non-discrimination and sexual harassment policies issued by Mason County.

### 12.2 NON-DISCRIMINATION

The Board of Mason County Commissioners shall demonstrate its commitment to non-discrimination and equal opportunity by making available this Non-Discrimination Policy to recruiting sources, organizations representing protected groups, vendors, suppliers, contractors, community-based organizations, service organizations, community leaders, secondary and post-secondary schools, and other governments. The policy will be distributed on a continuing basis as appropriate individuals and entities are identified.

The County will incorporate appropriate non-discrimination language in all its contracts and collective bargaining agreements. The words "Equal Opportunity Employer" will be included on employment applications and recruitment materials.

To further promote the Board of County Commissioners' commitment to non-discrimination, the County will conduct periodic meetings with executive, management, and supervisory personnel to explain the intent of the non-discrimination policies and to clarify management's responsibility for effective implementation. This Non-Discrimination Policy will be distributed and reviewed in new employee orientation sessions.

### 12.3 POLICY

The County takes complaints of discrimination, harassment and retaliation seriously and will investigate and resolve such complaints in a timely manner.

A. Discrimination. Mason County is committed to a workplace that is free from unlawful discrimination. The County prohibits discrimination against elected officials, employees, and volunteers based on race, color, creed, religion, national origin, ethnicity, age, sex, marital status, veteran status, sexual orientation, and disability (known or perceived). Employees who engage in discrimination will be subject to disciplinary action, up to and including termination of employment.



B. Harassment. Mason County prohibits harassment and is committed to providing a workplace that is free from such harassment. Harassment is a form of discrimination that is unwelcome verbal or physical conduct directed toward or relating to a person on the basis of the person's race, color, creed, religion, national origin, ethnicity, age, sex, marital status, veteran's status, sexual orientation, or disability (known or perceived), where the conduct is sufficiently pervasive or severe as to alter the terms and conditions of employment. Such conduct can take many forms, including unwelcome slurs, comments, joking, touching, innuendo, gestures, display or transmission of materials, and other similar conduct. Employees who engage in harassment will be subject to disciplinary action, up to and including termination of employment.

C. Sexual Harassment. Mason County prohibits sexual harassment, which is a type of harassment that consists of unwelcome verbal or physical conduct directed toward or relating to a person because of his or her gender that is sufficiently pervasive or severe as to alter the terms or conditions of employment. Such conduct can take many forms including unwelcome slurs, comments, joking, touching innuendo, repeated request for dates, display or transmission of materials, gestures, compliments, and other similar conduct. Sexual harassment also includes unwelcome conduct based on an individual's gender where submission to the conduct or rejection of the conduct is used as a basis for employment decisions regarding the individual. Employees who engage in sexual harassment will be subject to disciplinary action, up to and including termination of employment.

D. Retaliation. Mason County prohibits any adverse employment action against employees for complaining in good faith of discrimination, harassment or retaliation, or for assisting or participating in an investigation of such complaints. Employees who engage in retaliation will be subject to disciplinary action, up to and including termination.

## **12.4 EQUAL OPPORTUNITY FOR PERSONS WITH DISABILITIES**

It is the policy of Mason County to guarantee equal opportunity to persons with disabilities to participate in and enjoy the benefits of County services, programs and activities, and to allow disabled employees a bias-free work environment. The County, upon request, will provide reasonable accommodation in compliance with the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendment Act (ADAAA).

Mason County is committed to providing accessible facilities for public meetings and general public use. Services will be provided for County sponsored activities if such can be made available without undue hardship to the County. Upon receiving a request for services, the preference of the person with a disability will be given primary consideration.

Mason County is committed to providing equal opportunities for County employees with disabilities. Every reasonable effort will be made to create an accessible work environment to the extent possible without undue hardship to the County. Employment practices will be administered to allow a person with a disability to participate at the same level as a person without a disability.

Mason County is committed to providing equal opportunity for persons with disabilities seeking employment with the County or appointment to County boards and commissions. Every reasonable effort will be made to create an accessible hiring or selection process and a working environment for board and commission members that will allow a person with a disability to participate at the same level as a person without a disability. Board and commission meetings will be held in accessible locations.

It is the responsibility of the person with the disability to disclose the existence of the disability if reasonable accommodation is to be requested.

## **12.5 EMPLOYEE RESPONSIBILITIES**

Each employee is responsible for supporting and adhering to this policy. It is the responsibility of all County employees to bring instances of inappropriate behavior to the attention of management. This includes employees who believe they are the recipient of discriminatory behavior as well as those who believe they have witnessed such behavior directed at another employee. Employees should never tolerate inappropriate or harassing behavior. If possible, they should make their feelings known to the offending employee. Whether they confront the harasser or not, employees must promptly report any offending behavior to their department head or elected official or to the County Human Resources Department. Employees are strongly encouraged to report concerns about discrimination or harassment before behaviors become severe or pervasive. This will assist the County in its efforts to stop discrimination or harassment before it rises to the level of a violation of anti-discrimination laws.

## **12.6 SUPERVISOR/MANAGEMENT RESPONSIBILITIES**

When a supervisor, manager, department head or elected official suspects or has reason to believe that discriminatory behavior has occurred, he or she shall immediately notify the Director of Human Resources or the Office of the Prosecuting Attorney and report the incident.

## **12.7 COUNTY RESPONSIBILITIES**

County Management representatives will promptly and thoroughly investigate all reports of discrimination or harassment. Complaints against either the Human Resources Department or the Prosecuting Attorney's Office will be investigated by a non-county agency. Complaints of discrimination and harassment will be handled with sensitivity, discretion, and confidentiality to the extent allowed by the circumstances and the law.

If the County concludes that a violation of this policy occurred, prompt and effective remedial action will be taken. This may include disciplinary action and/or other actions needed to remedy the effects of the discrimination and prevent further incidents.

## 12.8 COMPLAINT PROCEDURE

Mason County is committed to maintaining a work environment free from bullying, discrimination, or sexual harassment. As such, Mason County shall strictly enforce this policy against unlawful discrimination, including sexual harassment, and encourages those who feel aggrieved to seek assistance as outlined in this policy.

Persons who feel that they may have been bullied, discriminated against or sexually harassed, or are aware of actions against another person that may be in violation of this policy, shall immediately contact either his/her immediate supervisor, his/her department official, or the Human Resources Department. Complaints should be submitted in writing using the Mason County Internal Discrimination Complaint Form, a copy of which must be submitted to the Human Resources Department.

If the complaint is reported to the employee's supervisor or department official, that individual may investigate the complaint or may request that the Human Resources Department perform the investigation. Any person may file a complaint under this policy when the person believes:

- He or she has been the target of discrimination or harassment (including bullying);
- He or she has personal and first-hand knowledge of behavior believed to be in violation of this policy; or
- He or she has been retaliated against for having reported behavior believed to be in violation of this policy.

The complaint must be filed within 180 days of the alleged violation of this policy. The complaint should include a description of the alleged violation, the date it occurred, and the name, signature, address and phone number of the person filing the complaint. The complaint must include sufficient information to allow for investigation into the allegations.

In addition to filing a complaint with Mason County, an individual may file a written complaint within 180 days of the alleged violation with the Washington State Human Rights Commission and/or the Equal Employment Opportunity Commission. Employees are encouraged to exhaust administrative remedies outlined in this policy before outside agencies are consulted. The use of the County's internal discrimination complaint procedure is not a prerequisite to the pursuit of such statutory remedies.

When an employee or union files both a grievance and an internal discrimination complaint regarding the same alleged acts or incidences, the investigation and processing of one shall be suspended until the other is completed.

**MASON COUNTY  
INTERNAL DISCRIMINATION COMPLAINT FORM**

Pursuant to Chapter 12 Non-Discrimination & Harassment Policy of the Mason County Personnel Policies, reports of discrimination and/or harassment may be reported to your department official/supervisor, to the Human Resources Department, or to the Prosecuting Attorney.

\_\_\_\_\_  
Name and department of person filing complaint:

\_\_\_\_\_  
Work Phone: Home Phone: (optional)

\_\_\_\_\_  
Home address: City, State, Zip

\_\_\_\_\_  
Name of the person(s) whom you feel violated the Non-Discrimination & Harassment policy:

\_\_\_\_\_  
Department involved:

Alleged violation related to:  Employment  Services

Basis of alleged violation is:

Race/Color  Disability  Marital Status  Veteran's Status  
 Age  Religion  National Origin  Sex  
 Creed  Retaliation  Sexual Orientation  Ethnicity  
 Harassment/Sexual Harassment

Describe in detail the incidents or actions, including names, dates and times, that are believed to be in violation of this policy. Include the names and contact information of any individuals who may have witnessed this behavior. (Attach additional sheets as needed)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

By signing below, I declare under penalty of perjury of the laws of the State of Washington that the foregoing information is true and correct.

\_\_\_\_\_  
Signature:

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Printed Name: