
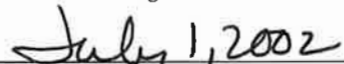




**KING COUNTY
Administrative Policies and Procedures**

**Executive Orders,
Policies & Procedures**

Title NONDISCRIMINATION AND ANTI-HARASSMENT POLICY & PROCEDURES	Document Code No. PER 22-3-3 (AEP)
Department/Issuing Agency DEPARTMENT OF EXECUTIVE SERVICES/ HUMAN RESOURCES DIVISION (HRD)	Effective Date 90 days from signature date
Approved 	Date Signed 

- 1.0 SUBJECT TITLE: Nondiscrimination and Anti-Harassment Policy and Procedures
- 1.1 EFFECTIVE DATE: 90 days from date of signature
- 1.2 TYPE OF ACTION: Supersedes PER 22-3-2 (AEP)
- 1.3 KEYWORDS: Discrimination, Harassment (including Sexual Harassment), Retaliation
- 2.0 PURPOSE:
- To re-establish the King County Executive's policy that discrimination, harassment (including sexual harassment), and/or retaliation are not 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 INCLUDE:
- 4.1 K.C.C. 12.18, Fair Employment Practices
- 4.2 Washington Law Against Discrimination, RCW 49.60
- 4.3 Equal Pay Act of 1963
- 4.4 Title VII of the Civil Rights Act of 1964
- 4.5 Age Discrimination in Employment Act of 1967
- 4.6 Rehabilitation Act of 1973
- 4.7 Vietnam Era Veterans' Readjustment Assistance Act of 1974
- 4.8 Pregnancy Discrimination Act of 1979
- 4.9 Americans With Disabilities Act of 1990
- 4.10 Executive Policy on Disability Accommodation in Employment

4.11 Affirmative Action Plan

5.0 DEFINITIONS:

- 5.1 “Discrimination” means any act or failure to act (whether by itself or as a part of a practice), the effect of which is to adversely affect or adversely differentiate against individuals or groups of individuals, by reasons of race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin, veteran status or disability, unless based upon a bona fide occupational qualification.
- 5.2 “Harassment” is a form of discrimination and is unwelcome verbal or physical conduct relating to an individual on the basis of race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin, veteran status, or disability. To constitute harassment, the conduct must be sufficiently severe or pervasive so as to alter the terms or conditions of employment. Such conduct can take many forms and may include slurs, comments, jokes, innuendoes, unwelcome compliments, cartoons, or other similar conduct.
- 5.2.1 “Sexual Harassment” is a type of harassment and is unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe or pervasive so as to alter the terms or conditions of employment. Sexual harassment may include unwelcome sexual advances, requests for sexual favors, displays of sexually oriented materials, or other verbal or physical conduct of a sexual nature.
- 5.2.1.1 In addition, sexual harassment includes unwelcome conduct when submission to such conduct, either explicitly or implicitly, is used as the condition of an individual’s employment; or submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- 5.3 “Retaliation” means to take adverse employment action against an individual because he/she has exercised his/her rights protected under the law by complaining in good faith about discrimination, harassment, and/or retaliation, or assisted or participated in an investigation of such allegations.
- 5.4 “HRD” refers to the Human Resources Division of the Department of Executive Services or its successor agency responsible for policy development, policy dissemination coordination, training, technical assistance, and monitoring complaints filed with enforcement agencies.
- 5.5 “Designee(s)” refers to lead staff appointed by the Department or Agency Director to provide policy dissemination coordination, policy implementation oversight 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.
- 5.7 “Veteran Status” as covered by this policy means veteran of the Vietnam Era or special disabled veteran as defined below:
- 5.7.1 “Veteran of the Vietnam Era” means a person who: (1) served on active duty for a period of more than 180 days, and was discharged or released therefrom with other than a dishonorable discharge, if any part of such active duty occurred: (i) In the Republic of Vietnam between February 28, 1961, and May 7, 1975; or (ii) Between August 5, 1964, and May 7, 1975, in all other cases; or (2) Was discharged or released from active duty

for a service-connected disability if any part of such active duty was performed: (i) in the Republic of Vietnam between February 28, 1961 and May 7, 1975; or (ii) between August 5, 1964 and May 7, 1975, in all other cases.

5.7.2 “Special disabled veteran” means: (i) A veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Department of Veterans Affairs for disability: (A) Rated at 30 percent or more; or (B) Rated at 10 or 20 percent in the case of a veteran who has been determined under 38 U.S.C. 3106 to have a serious employment handicap; or (ii) A person who was discharged or released from active duty because of a service-connected disability.

6.0 POLICIES

- 6.1 It is the policy of King County that employees not be discriminated against or harassed on the basis of race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin, disability and/or veteran status. King County will not tolerate retaliation. Such actions are misconduct in violation of this policy and may be subject to discipline, up to and including termination.
- 6.2 Supervisors shall report all incidents of discrimination, harassment, and/or retaliation.
- 6.3 Employees who experience or witness such conduct are strongly encouraged to promptly report discrimination, harassment, and/or retaliation.
- 6.4 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.
- 6.5 Supervisors should be trained to promptly and effectively address complaints of discrimination, harassment, and retaliation.

7.0 PROCEDURES

Responsible
Party

Action

- HRD 7.1 Work with Executive branch departments, offices, divisions, and agencies to develop this policy and disseminate it to all employees of the affected organizations.
- Employee 7.2 Any County employee who experiences or witnesses what may be discrimination, harassment, and/or retaliation, is strongly encouraged to address it according to the following procedures.
 - 7.2.1 Ask the person to stop the behavior; and/or
 - 7.2.2 Report the incident of alleged discrimination, harassment, and/or retaliation to the immediate supervisor, any other member of management within the agency, the director, his/her Designee or to the HRD Manager, Assistant Manager, Diversity Manager or his/her Designee.
- 7.3 Employees may have the right under county, state or federal law, and/or an applicable collective bargaining agreement to file a complaint of discrimination, harassment, and/or retaliation.
- Supervisor 7.4 Supervisors shall model appropriate behavior and strive to cultivate and maintain a work environment that is free from discrimination, harassment, and retaliation.

7.5 Supervisors who witness or learn of possible discrimination, harassment, and/or retaliation or receive a complaint from an employee must take it seriously. Supervisors shall respond promptly and appropriately according to the following procedures:

- 7.5.1 Upon witnessing, learning about, or receiving a complaint from any source, inform the employee(s) that 1) the County does not tolerate discrimination, harassment or retaliation, 2) the issue will be taken seriously, 3) a prompt investigation will be conducted, 4) he or she will be notified of the results, 5) information regarding the complaint will be kept confidential to the extent possible but confidentiality cannot be guaranteed, and 6) reaffirm that retaliation is not tolerated and encourage the employee(s) to report any alleged retaliation immediately.
- 7.5.2 Inform the Designee when a complaint is received and the disposition thereof, and consult with him or her and/or HRD for technical assistance.
- 7.5.3 Where an investigation is complex, develop a response plan in consultation with the Designee or HRD. The plan may include but is not limited to describing the investigation protocol and plan, and taking prompt effective steps to ensure that the complainant is not subject to conduct prohibited under this policy. Any consideration of changing the workplace and/or work hours of the involved employees must be made in consultation with HRD.
- 7.5.4 Conduct a prompt investigation to determine whether a violation of this policy has occurred based on all facts and circumstances and context in which the alleged incidents occurred.
- 7.5.5 Consult with the Designee on the results of the investigation and on any corrective and/or preventive measures such as discipline and training.
- 7.5.6 Develop a written record of the results of the investigation. Determine the appropriate means to inform the involved employees of the disposition of the complaint.
- 7.5.7 Inform the involved employees, in an appropriate manner, of the results of the investigation. Reaffirm that retaliation is prohibited and strongly encourage the employee to promptly report any alleged retaliation.
- 7.5.8 Promptly implement identified corrective and/or preventive measures and document completion of their implementation.
- 7.5.9 Consult with the Designee for the proper maintenance of all records related to the investigation.

Designee 7.6 On behalf of the Director, provide policy dissemination coordination, implementation oversight, and guidance to management to ensure appropriate handling of discrimination, harassment, and/or retaliation complaints. Ensure dissemination of the policy to all employees of affected organizations with written acknowledgment of receipt.

HRD 7.7 Provide policy development, dissemination coordination, training and technical assistance to affected organizations. This may include providing training and/or providing referrals to qualified training consultants.

8.0 RESPONSIBILITIES:

Responsible
Party

Action

Directors 8.1 Appoint one or more Designees.

8.2 Provide leadership and hold management accountable for compliance with this policy.

HRD 8.3 Develop policy, coordinate policy dissemination, provide training, consultant resources, and technical assistance.

Supervisors 8.4 Comply with this policy.

Employees 8.5 Comply with this policy.

NOTE

King County does not tolerate discrimination, harassment, or retaliation. Such actions are misconduct in violation of this policy and may be subject to discipline, up to and including termination. However, this policy does not create an employment contract or term or limit the reasons for dissolution of the employment relationship. This policy does not constitute an express or implied contract. It is a general statement of King County policy, which cannot form the basis for a private right of action.