

POLICY 202: HARASSMENT POLICY

ADOPTED: APRIL 6, 1999 (REVISED: JUNE 20, 2017)

Policy:

It is the policy of Lee County to provide and maintain a work environment free from harassment. Lee County maintains a strict policy of prohibiting harassment based upon race, sex, religious belief, color, national origin, ancestry, disability, age, or any other category of persons protected by federal, state, or local law, ordinance or regulation.

202:1 WORKPLACE HARASSMENT

1. WORKPLACE HARASSMENT is a form of employment discrimination. For workplace harassment to occur the “harassing behavior” **must** be on the basis of race, sex, religious belief, color, national origin, ancestry, disability, age, or any other category of persons protected by federal, state, or local law or ordinance or regulation. An unpleasant or harsh work environment is not a “hostile work environment” without a discriminatory basis for the behavior.
 - Lee County does not condone unprofessional work environments and will take steps to resolve such problems whether or not they are considered a “hostile work environment”.
2. Pursuant to the guidelines on discrimination issued by the Equal Employment Opportunity Commission (EEOC), Lee County has adopted a formal policy prohibiting harassment in the workplace and adopts the EEOC definition of harassment as follows:
 - a) Verbal, nonverbal, or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, national origin, ancestry, age or disability, or any other characteristic or status protected by law, or that of his or her relatives, friends or associates, and that (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual’s work performance; or (3) otherwise adversely affects an individual’s employment opportunities.
 - b) Harassment, sexual or non-sexual in nature, violates Title VII of the Civil Rights Act, is illegal, inappropriate, and is against Lee County policy. The Lee County Manager and the County Attorney are responsible for promoting a supportive atmosphere that makes it clear that any harassing behavior will not be tolerated.
3. Notwithstanding Lee County’s adoption of the EEOC’s definition of harassment, use of words, language, phrases, pictures or depictions which are objectively hostile or derogatory towards a person’s race, color, religion, sex, national origin, ancestry, age or disability, or any other characteristic or status protected by law, are not acceptable in the workplace.

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202:2 SEXUAL HARASSMENT

As part of its continuing efforts to maintain a productive workplace, Lee County has adopted a formal policy prohibiting sexual harassment in the workplace. Sexual harassment may be defined as unwelcome, one-sided attention, sexual advances, requests for sexual favors, or other unwanted verbal or physical conduct of a sexual nature that may come from supervisors, managers, co-workers, citizens, or other individuals in the workplace or at any County-sponsored activity, program, party or trip whether at the work site or not – regardless of the gender of the parties involved.

The following constitute sexual harassment:

Quid pro quo Harassment

- a) Acceptance of such conduct is made a term or condition of an individual's employment either explicitly or implicitly;
- b) Acceptance, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or

Hostile Work Environment Harassment

- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile or offensive working environment.

202:3 INTERNAL COMPLAINT PROCEDURE

Employees having reason to believe they have been subjected to harassment are urged to bring their concerns to the attention of their immediate supervisor, department director, the Director of Human Resources or designee(s), up to the County Manager as appropriate.

202:3(a) REPORTING COMPLAINTS

1. Employees who bring complaints of harassment from anyone in the employment of Lee County including any supervisors, co-workers or visitors, are urged to report such conduct within 15 days of the occurrence of the incident(s) in question to their supervisors so that the complaint may be investigated and resolved. Prompt reporting of incidents allows for timely investigation of the incident(s) while witnesses have immediate recollection of the facts and for quick resolution of complaints.
2. If the complaint involves the employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in bringing the complaint to his or her immediate supervisor, the employee may bring his or her complaint to another supervisor, the employee's department director, the Director of Human Resources or designee(s), up to the County Manager, as appropriate.

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3. If the accusation of a violation of the policy is made to a supervisor, it shall be forwarded **immediately** by the supervisor to the Department of Human Resources in person or by telephone, and reported to the department director. Failure to follow this procedure subjects the supervisor to disciplinary action.

202:3(b) INVESTIGATION OF ALLEGATIONS

1. Lee County will endeavor to investigate all complaints as expeditiously and as professionally as possible. To provide consistency and objective third party determinations Human Resources shall be the department afforded the responsibility to investigate allegations of harassment, to determine whether the allegations are sustained and to be available to recommend appropriate corrective action - unless special circumstances require that Human Resources assign a specific investigation to another party or agency.
2. During the investigation, the County may take steps to separate the accused party and the accuser in the workplace.
3. Regardless of the outcome of the investigation, resolution of the complaint will be communicated to all parties involved. Such communication shall include what actions have been taken and reference the appeals process if the parties are not satisfied with the final resolution of the issue.
4. If the investigation confirms the allegations in the complaint, prompt and appropriate corrective and disciplinary action will be taken by the County designed to immediately stop any harassing conduct and prevent any future harassment.
5. The Department of Human Resources shall maintain a log of recommended disciplines, disciplinary actions taken, and associated circumstances for all incidents of harassment in order to provide a framework for reasonably uniform and consistent application of such disciplinary actions.

202:3(c) COOPERATION & CONFIDENTIALITY

1. Lee County employees are required to fully cooperate in any internal investigations that may be conducted. This includes, but is not limited to, answering all questions honestly and fully.
2. Employees interviewed at any time during an investigation shall keep any and all information that is shared during the investigation strictly confidential and shall not, except as required or permitted by law, discuss the information or the investigation with anyone other than authorized individuals.

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3. Failure to cooperate with an investigation, or failure to abide by the rule of confidentiality, may be grounds for disciplinary action.
4. Lee County will take all reasonable and lawful efforts to keep the information provided to it in the complaint and investigation process as confidential as practically possible to provide for a thorough investigation, and to the extent permitted by Florida and/or federal law.

202:3(d) RETALIATION PROHIBITED

1. Retaliation against employees for reporting harassment or assisting the designated County personnel in the investigation of a complaint is illegal and will not be tolerated.
2. Retaliation includes, but is not limited to, such acts as refusing to recommend an employee for a benefit for which he or she qualifies, spreading rumors about the employee, encouraging hostility from co-workers, or escalating the harassment.
3. Employees who wish to bring complaints of retaliation should follow the procedures set forth in Section 202:3(a) of the Policies and Procedures Manual.

202:3(e) KNOWINGLY FALSE COMPLAINTS/ACCUSATIONS

1. No disciplinary or other personnel actions will be taken against any employee who makes a good faith complaint of sexual harassment, or workplace harassment, or provides information in good faith in any investigations, whether the investigation proves or disproves the claim.
2. The County recognizes that false accusations of harassment have a serious effect on morale in the workplace. If after investigating a harassment complaint, the County learns that an employee has made a complaint in bad faith or knowingly provided false information regarding a complaint, disciplinary action will be taken against the individual who provided such false information.

202:4 HARASSMENT AVOIDANCE TRAINING

1. Upon orientation all new employees will receive a brief overview of Policies 201 Equal Employment Opportunity and 202 Harassment and the contact information for reporting a complaint.
2. All new employees within the first three (3) months of hire in order to complete the probationary period per Policy 502 Performance Evaluations will attend and complete Harassment Avoidance Training.

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3. All employees will attend and complete Harassment Avoidance Training on an annual basis.

TO REPORT INCIDENTS OF HARASSMENT OR A PATTERN OF PROHIBITED CONDUCT, CONTACT YOUR SUPERVISOR, DEPARTMENT DIRECTOR, OR THE DEPARTMENT OF HUMAN RESOURCES.

You may report incidents in person, by phone, by interoffice mail, or U.S. mail at:

Lee County Department of Human Resources
1825 Hendry Street, Suite 200
Fort Myers, Florida 33901
Phone: (239) 533-2245
Email: OEO@leegov.com