

DISCRIMINATION AND HARASSMENT

STATEMENT

It is the policy of Hand County not to discriminate on the basis of race, color, religion, national origin, age, gender, disability, veteran status or any other status protected by law in the offering of all benefits, services, and employment opportunities.

The County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the County expects that all relationships among persons in the office will be business-like and free of bias, prejudice and harassment.

The County complies with federal and state equal employment opportunity laws and strives to keep the workplace free from all forms of harassment, including sexual harassment and discrimination.

All employees are expected to avoid any behavior or conduct that could reasonably be interpreted as unlawful discrimination or harassment of employees or persons who do business with the County. Disciplinary action for violations of this policy may include termination of employment.

EQUAL OPPORTUNITY

The County is committed to providing equal opportunities for all persons as it pertains to providing services and employment opportunities in order to ensure that there will be no discrimination against any person on the basis of race, color, religion, national origin, age, gender, disability, veteran status, or on any other basis prohibited by law.

AMERICANS WITH DISABILITIES ACT & THE AMERICANS WITH DISABILITIES AMENDMENTS ACT

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of Hand County to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, termination, compensation, training or other terms, conditions and privileges of employment.

The County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job, unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation, and/or if the accommodation creates an undue hardship to the County. Contact the county auditor with any questions or requests for accommodation.

HARASSMENT

Hand County is committed to providing a supportive, positive working environment, free of sexual or other harassment. Harassment is a particularly harmful and illegal form of discrimination that breaks down trust within an organization and impedes the ability of employees and others to participate in an environment that allows them to achieve their fullest potential. Furthermore, harassment is a violation of the expectation that every individual with Hand County deserves to be treated fairly, with respect for their dignity as a person.

For these reasons, it is the County's policy that harassment or intimidation of any kind by or toward another employee or any other person, or harassment by use of Hand County assets, will not be tolerated.

SEXUAL HARASSMENT

Hand County prohibits sexual harassment of its employees in any form. Such conduct will result in disciplinary action up to and including termination.

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (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 an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may occur in a variety of circumstances and may include a range of subtle and not so subtle behaviors. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

HARASSMENT ON THE BASIS OF PROTECTED CHARACTERISTICS

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information or any other characteristic protected by law or that of their relatives, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

INDIVIDUALS AND CONDUCT COVERED

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the County (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

RETALIATION PROHIBITED

The County prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

REPORTING AN INCIDENT OF HARASSMENT, DISCRIMINATION OR RETALIATION

The County encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate Supervisor, Department Head, The county auditor, or the department's Commission Liaison.

Hand County employees are required to refer all harassment complaints they receive (formal or informal, resolved or not) to the county auditor. False and malicious reports of harassment, discrimination or retaliation as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action. It is the policy of the County to investigate such reports.

COMPLAINT PROCEDURE

INTERNAL COMPLAINT PROCEDURE (BETWEEN COUNTY EMPLOYEES)

The County encourages the prompt reporting of complaints or concerns so that rapid and constructive action may be taken. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination or harassment.

If for any reason an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the individual should notify their immediate Supervisor, Department Head, the county auditor, Commission Department Director or a County Commissioner, who may, if the individual so requests, talk to the alleged offender on the individual's behalf. In addition, there may be instances in which an individual seeks only to discuss matters with one of the County's designated representatives, and such discussion is encouraged.

- (1) Investigation: An individual reporting harassment, discrimination or retaliation should be aware, however, that the County may decide it is necessary to take action to address such conduct beyond an informal discussion. This decision will be discussed with the individual. The best course of action in any case will depend on many factors and, therefore, the procedure will remain flexible. Moreover, the complaint procedure is not a required first step for the reporting individual. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
- (2) Confidentiality: Confidentiality will be maintained throughout the investigation process to the extent consistent with adequate investigation and appropriate corrective action.
- (3) Action to be taken: Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately and swiftly. Responsive action may include, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as the County believes appropriate under the circumstances.
- (4) Grievance Procedure: If a party to a complaint does not agree with its resolution, that party may proceed with the grievance procedure outlined in this manual.

EXTERNAL COMPLAINT PROCEDURE (MADE BY SOMEONE WHO IS NOT A COUNTY EMPLOYEE) Complaints should be addressed to: Hand County Board of County Commissioners, 415 West 1st Avenue, Suite 203, Miller, South Dakota, 57362.

- (1) A complaint must be filed in writing and contain: the name and address of the individual or representative filing the complaint, a description of the alleged discriminatory action in sufficient detail to inform the entity of the nature and date of the alleged violation, and be signed by the complainant or authorized representative. Complaints filed on behalf of their parties must describe or identify the alleged victims of the discrimination.
- (2) The county auditor will promptly conduct an investigation of the complaint. All interested parties will be afforded an opportunity to submit evidence relevant to the complaint.
- (3) Confidentiality: Confidentiality will be maintained throughout the investigation process to the extent consistent with adequate investigation and appropriate corrective action.
- (4) Action to be taken: Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately and swiftly. Responsive action may include, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as the County believes appropriate under the circumstances.
- (5) Grievance Procedure: If a party to a complaint does not agree with its resolution, that party may proceed with the grievance procedure outlined in this manual.

CONCLUSION

The County has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation. The County will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately. Any employee who has any questions or concerns about these policies should talk with the county auditor.

Hand County
“Discrimination and Harassment”
Employee Handbook Acknowledgment Form

I acknowledge that I have received, read, and understand the policies outlined in this section of the Hand County Personnel Manual. I understand that the County has the right to change this policy without notice. It is understood that future changes in policies and procedures will supersede or eliminate those found in this book, and that employees will be notified of such changes through normal communication channels.

Employee's Printed Name

Employee Number

Employee's Signature (Sign before the department head)

Date of Signing

I acknowledge and present to the county commission that the aforementioned employee of Hand County has, to my observation, received, read and understands the policies outlined in this section of the Hand County Personnel Manual.

Department Head / Elected Office Holder

Date of Signing

Note: This acknowledgement will be placed in the employee's personnel file maintained in the office of the county auditor, the departments / offices should also keep a local copy for reference.