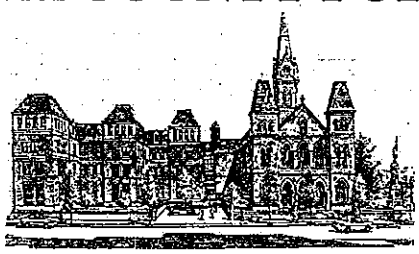
BLAIR COUNTY POLICY



TITLE: ANTI-HARASSMENT

BLAIR COUNTY POLICY NO.: 304

POLICY APPROVAL BY:

COMMISSIONERS:	Initials	Date
Terry Tomassetti	TT	2-10-09
Diane Meling	dm	2-10-09
Donna Gority	DGG	2/10/09
HR DIRECTOR:		
Dianne Carland	DC	2/10/09

0.0 POLICY

It is the policy of Blair County to provide a working environment free from discrimination and harassment based on race, color, religion, age, sex, national origin, disability, veteran status, or any other protected status.

The County has a zero tolerance for any form of harassment, permitting no harassing conduct by anyone in the workplace. It is the County's view that even a single utterance of an ethnic, sexual, or racist epithet; an unwelcome sexual comment or advance; or offensive touching is inappropriate and is subject to disciplinary action, up to and including termination.

The County will not tolerate retaliation against any employee for the filing of a good faith report of harassing conduct under this or any other policy or procedure. Further, the County will not tolerate retaliation against any employee for assisting in any inquiry regarding a report of harassing conduct.

1.0 PURPOSE

This policy is set forth to comply with all applicable federal, and state legislation. This policy is intended to prevent discrimination and harassment based upon race, color, religion, age, sex, national origin, disability, veteran status, or any other protected status. It is the goal of the County to correct any harassing conduct before it becomes severe or pervasive.

2.0 SCOPE

This policy applies to all employees of Blair County; no employee is exempt.

3.0 REFERENCES

Harassment on the basis of any of the protected classes may be in violation of the following:

- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967
- Equal Pay Act of 1963
- American's with Disabilities Act of 1990

4.0 RESPONSIBILITY

This procedure will be administered by the Human Resources Department.

4.1 It is the responsibility of the management in each Department of the County to assure compliance with this policy and all applicable laws in order to prevent and/or eliminate harassment. In carrying out this responsibility, each Department of the County is to provide the following Education and Training to all of the Department's employees and management:

(1) Include the subject of harassment in supervisory training programs and employee orientation programs.
(2) Yearly training.

4.2 Each County employee will be responsible for:

(1) Conducting themselves in a professional manner and refraining from all harassing conduct;

(2) For familiarizing themselves with the provisions of the Policy;

(3) All employees must conduct themselves in accord with the provision of the Policy and must cooperate with any inquiry under this Policy; and

(4) All employees must promptly report, pursuant to the procedures set forth in Section 6.0, any incident of harassing conduct that he or she experiences before it becomes a pattern of misconduct so pervasive and offensive as to constitute a hostile environment. The County cannot correct harassing conduct if the conduct is not known. When an employee unreasonably fails to take advantage of this procedure and does not promptly report an incident of harassing conduct as set forth herein, the County reserves the right to raise this failure to report as a defense against a suit for harassment, in accordance with Faragher and Ellerth.

4.3 Each member of management in each Department of the County shall also be responsible for:

(1) Acting promptly and appropriately to prevent harassment in the workplace, and retaliation against those who complain of harassment;

(2) Reporting, pursuant to procedures set forth in Section 6.0 *et. seq.*, any incident of harassing conduct that the manager witnesses or is otherwise brought to their attention;

(3) Receiving and handling allegations of harassing conduct promptly and appropriately, utilizing the procedures set forth in Section 6.0 *et. seq.*; and

(4) Ensuring that once misconduct is reported, further misconduct is not permitted to occur.

5.0 DEFINITION OF HARASSING CONDUCT

Harassment and Harassing Conduct may consist of even a single instance of any act listed in Section 5.1 and 5.2 and will be subject to disciplinary action as provided herein.

5.1 Offensive conduct or harassment of a sexual nature or which creates a hostile work environment, or based on race, color, religion, age, sex, national origin, disability, veteran status, or any protected class is prohibited.

5.1.1 Physical harassment including hitting, pushing, touching, or other contact that has the effect of harming an employee.

5.1.2 Verbal harassment taking the form of intimidation, propositions, suggestions, comments, or threats to commit acts; includes offensive or vulgar comments or jokes with reference to a protected class.

5.1.3 Non-verbal harassment includes the display or distribution of objects or written or graphic materials that are suggestive, offensive, or degrading and offensive or suggestive gestures.

5.1.4 Expectations, requests, demands or pressure for sexual favors.

5.2 Any such offensive conduct will be considered a prohibited form of harassment when any of the following are true:

(1) There is a promise or implied promise of preferential treatment or negative consequence regarding employment decisions or status.

(2) Such conduct has the effect of creating an intimidating or hostile or offensive work environment, or unreasonably interferes with a person's work performance.

(3) A third party is offended by the conduct or communication of others.

6.0 PROCEDURE

6.1 Complaints

Complaints or questions regarding harassment should be immediately brought to the attention of a Supervisor or Manager. Any supervisor or manager who receives a complaint regarding harassment shall immediately report it to the Human Resources Director.

If the complaint involves the supervisor, the complaint should be immediately brought to the attention of the Human Resources Director.

All information regarding any complaint will be maintained on a confidential basis to the greatest extent possible and will only be disclosed on a "need to know" basis.

6.2 Investigations

All complaints of harassment will be investigated completely and promptly by the Human Resources Director or his/her designee. This process will be conducted through confidential discussions with information only shared to the minimum extent necessary to conduct a proper investigation in accordance with a "need to know" philosophy.

The Human Resources Director will determine whether the policy has been violated and communicate the conclusion of the investigation to the complainant.

It is improper to retaliate against any individual or making a complaint or for participating in an investigation or other proceeding involving a claim of harassment. Retaliation constitutes a violation of this policy.

The Human Resources Director or his/her designee will complete a written report summarizing the conclusions reached through their investigation. This documentation will be kept confidential; however, the written report may have to be disclosed to defend the County in any litigation to which the information may be relevant and necessary. The County reserves the right to disclose this information in order to defend against a lawsuit or to allow the County to carry out the purpose and intent of this policy.

6.3 Violations

Harassment is considered a serious act of misconduct and may subject an individual to disciplinary action up to, and including termination.

Any manager or supervisor who did not properly carry out the responsibilities required under this policy may be subject to disciplinary action up to, and including termination.

7.0 RECORDS

7.1 The Human Resources Department will retain all records concerning complaints, investigations, etc. All records will be classified as confidential.

ACKNOWLEDGEMENT AND RECEIPT OF COMPANY ANTI-HARASSMENT POLICY

I acknowledge that I have received a copy of the above County Policy; that I understand the provisions thereof and that I agree to abide by said Policy. I further understand that failure to abide by said Policy could result in disciplinary action up to and including separation from employment.

_____
Date

_____
Signature

_____
Print Name

_____
Department

(This form is to be sent to the Human Resources Department to be placed in Employee's Personnel File).