

ADMINISTRATIVE ORDER
OF THE
JEFFERSON COUNTY COMMISSION
08- 2

PURSUANT to the authority vested in the Jefferson County Commission by law, the following Administrative Order is hereby issued:

PURPOSE

To establish a policy and procedure for the Jefferson County Commission to formally adopt and set forth an anti-harassment policy applicable to all County employees in order to provide a workplace environment free of all forms of harassment and to comply with all federal, state and local laws prohibiting harassment in the workplace.

APPROVED BY THE
JEFFERSON COUNTY COMMISSION
DATE: 3-25-08
MINUTE BOOK: 155
PAGE(S): 429-431

JEFFERSON COUNTY COMMISSION

ANTI-HARASSMENT POLICY

I. No Harassment Statement

The County expressly prohibits and will not tolerate any form of harassment which affects county employees, or any aspect of the County's operations.

II. Policy

Jefferson County is committed to providing and maintaining work environments that are free from all forms of unlawful harassment and discrimination. The County will not tolerate unlawful harassment based on race, color, religion, national origin, age, sex, disability or any other factor protected by applicable law. It is the intent of the Jefferson County Commission to adopt this Anti-Harassment Policy (the "Policy") to prevent unlawful discrimination and harassment in the workplace and to provide a procedure to remedy violations. The County is committed to enforcing this Policy whether harassment is committed by employees, applicants, independent contractors or visitors while on County premises. Each employee of Jefferson County is responsible for becoming familiar with and adhering to this Policy.

III. Definitions

For purposes of this Policy:

A. "Harassment" is defined as:

any type behavior which is based on factors including, but not limited to, race, color, religion, national origin, age, sex or disability that is so severe or pervasive that it interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Harassment can be written (in print or electronically), visual, verbal or physical and may include but is not limited to:

- sending inappropriate jokes or comments in print or via email
- verbal communications such as graphic or demeaning comments directed toward an individual's body or personal characteristics
- using unwanted, epithets, slurs or innuendos
- unwanted physical contact
- obscene or harassing telephone calls
- visual acts or displays, such as derogatory cartoons, drawings or posters
- inappropriate gestures
- unwelcome sexual advances or propositions, or offering employment benefits or giving preferential treatment in exchange for sexual favors

- threatening revenge after a negative response to unwelcome conduct.

B. "Employee" is defined as:

All officials, employees, whether part-time, regular, or on contract who are compensated for services by Jefferson County.

C. "Supervisor" is defined as:

Any official or employee of Jefferson County who supervises any other official(s) or employee(s) of Jefferson County.

D. "Applicant" is defined as:

an individual who completes and submits a written employment application for or expresses an interest electronically in any available position within Jefferson County.

E. "Independent Contractor" is defined as:

An individual providing service pursuant to a contract with Jefferson County.

IV. Responsibilities under this Policy

A. All employees should conduct themselves in a manner that supports this Policy.

B. Any employee or applicant who believes they have been subjected to unlawful discrimination or harassment or witness what they believe to have been unlawful discrimination or harassment of another should report, as soon as possible, their concerns to the Employee Relations Officer. Any complaints relating to the County's Employee Relations Officer should be made to the County Attorney.

C. Any individual wishing to report harassment or discrimination is assured that all matters will be treated as confidentially as possible within the County's legal obligations in responding to such claims of harassment.

D. The Jefferson County Commission encourages employees to freely report incidents of harassment. Retaliation against any employee or individual for reporting any violation hereof is expressly prohibited by this Policy, the Jefferson County Commission and the law.

E. In an effort to prevent unlawful discrimination and harassment and solicit the reporting thereof, the County shall provide No-Harassment training to all employees upon their initial hire with Jefferson County and continued education as necessary to refresh and update employee knowledge regarding harassment laws. This training should be organized and documented by the Human Resources Director or her designee.

- F. During orientation, each new employee should be given a copy of the Sexual Harassment Policy (Administrative Order 92-7), this Anti-Harassment Policy (Administrative Order #___) and any other documents as deemed necessary by the Human Resources Director or her designee.
- G. Discrimination posters and contact information of the individual(s) responsible for receiving and investigating harassment complaints should be posted in accessible locations in each department.

V. Complaint Procedure(s)

- A. All complaints, concerns or reports of unlawful discrimination and/or harassment should be directed to the County's Employee Relations Officer. If the complaint is against the Employee Relations Officer, the complaint should be directed to the County Attorney.

Employee Relations Officer
Jefferson County Commission
Human Resources Department
610-A Courthouse
716 Richard Arrington, Jr. Blvd. N.
Birmingham, AL 35203
Phone: (205) 325-5249
Fax: (205) 325-5598
Office Hours: Monday – Friday 8:00 a.m. – 5:00 p.m.

- B. After complaint is presented in writing to the appropriate authority, the County Attorney will be notified. Employees should use the Harassment Complaint Form (attached) which can be found on the Human Resources Department website or picked up in the Employee Relations office.
- C. Investigation into the allegations is initiated to determine the appropriate corrective action.
- D. Following the investigation, the appropriate supervisor and the County Attorney will confer and determine if the circumstances should be initially handled by informal mediation, formal grievance or disciplinary action. If mediation is selected the appropriate supervisor shall meet with the complainant and propose informal mediation. If the complainant agrees, mediation will proceed between the complainant, alleged violator and the appropriate supervisor with the advice of the County Attorney. If the mediation results in a resolution satisfactory to the complainant, the complainant will be requested to acknowledge such satisfaction by signing the attached release and the matter shall be concluded.

Such resolutions may include the following:

- meeting with the individual(s) involved;

- apologies;
- warnings;
- any form of educational or attendance at required educational presentations.

If the terms of the resolution are not fulfilled, appropriate disciplinary action against the violator(s) may be initiated.

- E. If mediation is rejected or does not result in a satisfactory resolution, the appropriate supervisor and the County Attorney will confer and determine if disciplinary action shall be initiated. The complainant may proceed to initiate a grievance pursuant to Rule 8.6 of the Personnel Board Rules and Regulations or any or available legal remedy.

VI. Condition of Employment

Compliance with the County's Anti-Harassment Policy is a condition of employment. Failure or refusal of an employee to fully obey the Policy and cooperate in any investigation, including testifying for or against the accused, may be grounds for disciplinary action including termination.

VII. False Complaint

Nothing in this Policy shall be deemed to immunize a complainant from appropriate disciplinary action or other available legal remedy for making a false or fraudulent complaint hereunder.

The Jefferson County Commission expects our employees to continue to act in a responsible and professional manner, remain sensitive to treating their co-workers with dignity and respect and help us provide a productive work environment.

EMPLOYEE RELATIONS OFFICE

Harassment Complaint Form

Please fill out this form in as much detail as you can.

Date _____

Name _____

Department _____ Division/Location _____

Work Number _____ Home Number _____

Beginning Date of Full Time Employment with Jefferson County _____

Current Job Title/Position _____

What kind of work do you do for the county? _____

Other jobs you have held (list titles & approximate dates for the past 5 years)?

Who is your supervisor? _____

Concerning the Incident:

Who do you feel harassed you?

When did the incident take place?

Where did the incident take place?

What specifically did this person say or do?

What did you say or do?

Do you know of any witnesses to the incident?

With whom have you discussed the incident?

Have you received any evidence (such as notes, e-mail, pictures, or graffiti) from the person you feel harassed you? If so, what is it?

What has happened in addition to or since the incident?

Do you know of or suspect that there are other individuals who have been harassed by this person?

Has the harassment affected your work?

What other effects has the harassment had on you?

Resolution (What will it take to resolve this situation)?

I certify that the information contained herein is based upon my personal knowledge and is true and accurate in all respects. I further certify that I am aware of the penalties for submitting a false statement or complaint and submit this complaint of my own free will without promises or representations of any kind from the County or its employees, agents, servants or contractors.

Employee Name (*please print*) _____

Employee Signature: _____ Date: _____

(Notary)

State of _____

County of _____

The foregoing instrument was acknowledged and executed before me this ____ day of _____,

20__ by _____, who is personally known to me or
name and title of position

who has produced _____ as identification.
type of identification

In witness hereof, I hereunto set my hand and official seal.

[Notary Seal]

Notary Signature

My Commission expires: _____, 20__

HARASSMENT CLAIM

RELEASE FORM

STATE OF _____

COUNTY OF _____

For and in consideration of the resolution provided to me by Jefferson County (the "County") pursuant to the provisions of the Jefferson County's Harassment Complaint Procedure, I, _____, hereby release and forever discharge _____ (alleged violator), Jefferson County and its current and future officials, employees and agents, of and from all legal and equitable claims arising out of that harassment complaint submitted by me on _____ (the date of the original complaint). **Said resolution consists of (select appropriate resolution: an apology from _____ to me; a written warning to _____; a verbal reprimand to _____; the requirement that _____ attend a two hour training and education class related to appropriate workplace behavior, etc.) and I hereby accept this mediated resolution as full and final settlement of said harassment complaint.**

I understand that this resolution does not constitute an admission by the party (or parties) released of the validity of any claim raised by me or on my behalf. **I also understand that this mediated resolution is to remain completely confidential.**

This Release constitutes the entire agreement between the _____ (alleged violator) me and Jefferson County without exception or exclusion.

I HAVE READ THIS RELEASE AND UNDERSTAND THE CONTENTS THEREOF AND I EXECUTE THIS RELEASE OF MY OWN FREE ACT AND DEED.

COMPLAINANT SIGNATURE

DATE

COMPLAINANT NAME (Print)

Last 4 of Social Security Number: _____

Other Identification _____

Sworn and subscribed to before me this ____ day of _____

Notary Public

My commission expires: _____