

Rule 3-40

DISCRIMINATION AND HARASSMENT-FREE WORKPLACE

§§:

- 3-40-010 Purpose
- 3-40-020 Policy
- 3-40-030 Definitions
- 3-40-040 Prohibited Conduct
- 3-40-050 Retaliation
- 3-40-060 Reporting

§ 3-40-010 PURPOSE

The county is committed to providing its employees with a workplace that is free of illegal bias, prejudice, discrimination, harassment or retaliatory conduct. It is committed to creating and maintaining an environment in which each person is respected and valued without regard to protected status.

Unpaid interns are also covered by this policy.

§ 3-40-020 POLICY

The county's policy is to prohibit workplace harassment and discrimination on the basis of race, color, sex, age, religion, national origin, political affiliation, marital status, sexual orientation, gender identity, gender expression, source of income, familial status, physical or mental disability, genetic information, or other protected status in any personnel action and in accordance with applicable law.

Prohibited workplace harassment and discrimination is unacceptable in the workplace, in any work-related setting outside the workplace and when using county owned equipment including vehicles and electronic devices such as computers, telephones, photocopiers and faxes.

Employees who violate this rule are subject to disciplinary action, up to and including discharge.

Every employee shares the responsibility for promptly bringing to the county's attention conduct that interferes with providing a work environment free of illegal discrimination and harassment.

Prohibited workplace harassment, discrimination and retaliation on the basis of gender identity and gender expression are described further in Personnel Rule 3-42.

§ 3-40-030 DEFINITIONS

GENETIC INFORMATION: Includes information about an individual's or individual's family member's genetic tests; family medical history; an individual's request for, or receipt of, genetic services or participation in clinical research that includes genetic services; or genetic information of a fetus of a pregnant woman or family member, or embryo with respect to an individual using assisted reproductive technology.

HARASSMENT: Verbal or physical conduct that is derogatory or shows hostility towards an employee because of race, color, sex, age, religion, national origin, political affiliation, marital status, sexual orientation,

gender identity, gender expression, source of income, familial status, or physical or mental disability or other protected status in accordance with applicable law, and

- (A) Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- (B) Has the purpose or effect of unreasonably interfering with an employee's work performance; or
- (C) Otherwise substantially and adversely affects an employee's employment opportunities.

SEXUAL HARASSMENT: Any unwelcome conduct including but not limited to sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

- (A) Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment;
- (B) Submission to or rejection of such conduct by an employee is used as the basis for personnel actions affecting such employee; or
- (C) Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

§ 3-40-040 PROHIBITED CONDUCT

- (A) Verbal or Physical Conduct:

(1) Use of epithets or slurs because of race, color, sex, age, religion, national origin, political affiliation, marital status, sexual orientation, gender identity, gender expression, source of income, familial status, or physical or mental disability or other protected status in accordance with applicable law, such as racial slurs or derogatory remarks based on national origin or ethnicity.

(2) Jokes, pranks or other banter that are derogatory or show hostility because of race, color, sex, age, religion, national origin, political affiliation, marital status, sexual orientation, gender identity, gender expression, source of income, familial status, or physical or mental disability or other protected status in accordance with applicable law, such as making fun of or telling jokes about physical or mental disabilities or sexual orientation; or negative stereotyping.

(3) Unwelcome physical touching or contact, such as pinching, grabbing, patting or touching, hugging; threatening, intimidating, or hostile acts.

(B) Written or Graphic Material: Material that is disparaging of or displays hostility on the basis of race, color, sex, age, religion, national origin, political affiliation, marital status, sexual orientation, gender identity, gender expression, source of income, familial status, or physical or mental disability or other protected status in accordance with applicable law and is placed on walls or elsewhere on the employer's premises or circulated in the workplace; including sending inappropriate jokes or other written or graphic materials via e-mail, the internet or by fax, or downloading them from the internet.

§ 3-40-050 RETALIATION

The county will not tolerate retaliation against any individual who reports discrimination or harassment, or testifies, assists, or participates in any manner in such an investigation, proceeding, or hearing, regardless of the outcome of the harassment complaint. Examples of retaliation include, but are not limited to, demotion,

suspension, failing to hire or consider hiring, failing to treat impartially when making employment related decisions, and assigning the individual the least desirable jobs.

§ 3-40-060 REPORTING

(A) Employees are expected to promptly report suspected violations of this rule.

(B) Complaints may be submitted orally or in writing. A complainant may also include a suggested method of resolution.

(C) A violation of these rules may be reported to:

- (1) Any supervisor or manager;
- (2) Department human resources representative; or
- (3) Multnomah County Chief Human Resources Officer (CHRO); or
- (4) Office of Diversity and Equity (ODE).

Department Directors will inform their employees of the names of additional department staff who employees may contact, to file a workplace discrimination, harassment, or retaliation complaint. Department Directors may also establish additional procedures that are consistent with this Rule for handling complaints.

(D) The individual who receives the complaint may, but is not required to, discuss options for informally resolving the complaint with the complainant.

(E) All complaints will be thoroughly and promptly investigated. Confidentiality will be maintained to the extent permitted by the circumstances.

(F) The individual making the complaint and the accused will be notified of the results of the investigation and whether action will be taken. Immediate action will be taken in situations where prohibited harassment or discrimination occurred.

(ER 375, Amended, 05/27/2014)