

Section 7. Unlawful Workplace Harassment Policy

Harnett County promotes a work environment free of unlawful workplace harassment and has zero tolerance for any employee who fails to follow this Policy. Therefore, unlawful workplace harassment, in any form, is strictly prohibited. This prohibition, and the Unlawful Workplace Harassment Policy of Harnett County as explained below, applies to all County employees regardless of status or position within the County. A violation of this policy may result in disciplinary action, up to and including, termination along with any penalties under federal, state, or local law.

Unlawful Workplace Harassment is defined as unwelcome or unsolicited speech or conduct based upon race, color, sex, religion, national origin, age, genetic information, political affiliation, or disability status that creates a hostile work environment or under circumstances involving quid pro quo.

Sexual Harassment: Sexual harassment is a specific type of unlawful workplace harassment defined by federal guidelines as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

There are varieties of prohibited acts of sexual harassment that can take range from subtle pressure to physical assault. Some examples of this type of conduct, by definition, include, but are not limited to:

- Threats of sexual relations or sexual contact that is not freely or mutually agreeable to both parties; continual or repeated verbal abuse of a sexual nature (graphic commentaries on the person's body, sexually suggestive objects or pictures placed in the work area that may embarrass or offend the employee, sexually degrading words to describe the person, or propositions of a sexual nature)
- Threats or insinuations that the employee's employment, wages, promotional opportunities, job assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances
- Unwelcome statements or conduct based on a person's gender such as gender-based jokes or negative gender-based remarks.

- Physical conduct such as unwanted touching hugging, kissing, intentional brushing up against the employee's body, or repeated sexual flirtations and propositions
- Any unwelcome verbal comments or physical advances of a sexual nature or hostile or physically aggressive behavior directed to an employee, which either affects the employee's conditions of employment, interferes with their ability to perform their job, or creates an intimidating or hostile work environment.

Policy Procedures:

- A. Any employee, who witnesses or is the subject of an instance of unlawful workplace harassment, is encouraged to report the situation and/or complaint without fear of retaliation, orally or in writing, to his or her Supervisor or Department Head or directly to the Human Resources Director. Upon notification of a situation or complaint, the Supervisor, Department Head, or Human Resources Director shall direct the alleged victim to complete the Unlawful Workplace Harassment Form provided in Appendix B of this Ordinance. The Unlawful Harassment Form shall be turned into their Supervisor, Department Head, or Human Resources Director. If a Supervisor or Department Head receives the completed form, he or she must forward it to the Human Resources Director within three (3) working days of completion of the form. If the Human Resources Director is the alleged offender, the alleged event and Unlawful Workplace Harassment Form shall be provided to the Legal Department.
- B. Once the report or complaint is received, along with any supporting evidence and/or documentation, the Human Resources Director shall, if necessary and without investigation, take immediate action to stop and/or remedy the inappropriate conduct. If immediate action is not necessary, the Human Resources Director shall notify all concerned parties that a complaint has been filed and an investigation will be conducted by the Human Resources Department, the Legal Department, or retained outside legal counsel. If the Human Resources Director is the alleged offender, all actions shall be taken by the Legal Department or legal counsel retained to investigate the matter.
- C. The investigation may consist of interviewing the concerned parties, the alleged offender(s) and witnesses, along with gathering any relevant evidence or documentation not already available. The investigation should be completed and a report given to the County Manager within fifteen (15) working days of the receipt of the complaint. An extension of not more than 30 days, ~~however~~, may be granted upon request by the County Manager. If the County Manager is the alleged offender, the report shall be provided to the Board of Commissioners and any extension of the investigation shall be granted upon request by the Board.
- D. All concerned parties, employees, and departments should be completely cooperative during the investigation. Failure to do so may result in immediate disciplinary action in accordance with Article IX.
- E. Once a thorough investigation of the complaint is completed, the Human Resources Director, or, if the Human Resources Director is the alleged offender,

the Legal Department or legal counsel retained to investigate the matter, shall inform the concerned parties, the appropriate Supervisor or Department Head, and the County Manager of the outcome of the investigation. Following the notification of the results, the Human Resources Director, along with the County Manager, shall ensure that all appropriate actions are taken to remedy the situation and to reprimand the perpetrator. If the County Manager is the alleged offender, results of the investigation shall be reported to the Board of Commissioners and the Board, along with the Human Resources Director, Legal Department, or outside counsel retained to investigate the matter, shall ensure that all appropriate actions are taken.

- F. After the investigation, all complaints, investigatory files, and other pertinent documents will remain confidential unless these documents must be released because of federal, state, or local law.

Retaliation: Retaliation means any adverse action taken against an individual for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit related to discriminatory employment practices based on race, religion, color, national origin, sex, age, disability, political affiliation or genetic information; or because of opposition to employment practices in violation of this Policy. Retaliation against any of the concerned parties, the alleged offender(s), witnesses, or those conducting the investigation will not be tolerated and shall be subject to disciplinary action.