

**BOARD OF SUPERVISORS
COUNTY OF SIERRA
STATE OF CALIFORNIA**

RESOLUTION NO. 2009-026

Sierra County Sexual Harassment Policy

THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, Title VII of the Civil Rights Act of 1964 and the Fair Employment and Housing Act prohibits behavior that rises to the level of sexual harassment, as well as unprofessional and disrespectful behavior that, while not unlawful, may contribute to a hostile working environment; and,

WHEREAS, The attached sexual harassment policy conforms with all Federal and State laws,

NOW, THEREFORE, BE IT RESOLVED that the Sierra County Board of Supervisors adopts the attached sexual harassment policy.

Adopted by the Board of Supervisors of the County of Sierra on the 3rd day of March, 2009, by the following vote:

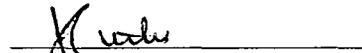
AYES: Supervisors Adams, Huebner, Goicoechea and Nunes
NOES: None
ABSTAIN: None
ABSENT: Supervisor Whitley

COUNTY OF SIERRA



BILL NUNES, CHAIRPERSON
BOARD OF SUPERVISORS

APPROVED AS TO FORM:



JIM CURTIS
COUNTY COUNSEL

ATTEST



HEATHER FOSTER
CLERK OF THE BOARD

SEXUAL HARASSMENT PREVENTION POLICY	Number:
	2009-026
	Date:
	3/3/2009
	Cancelled Effective:

I. STATEMENT OF SEXUAL HARASSMENT PREVENTION POLICY

Policy

Sierra County (the “County”) is committed to providing a workplace in which all individuals are treated with respect and professionalism. Consistent with this commitment, it is the policy of the County to provide a workplace that is free from all forms of discrimination and harassment, including sexual harassment. This Sexual Harassment Prevention Policy (“Sexual Harassment Prevention Policy”) prohibits not only behavior that rises to the level of sexual harassment in violation of Title VII of the Civil Rights Act of 1964 and the Fair Employment and Housing Act, but also unprofessional and disrespectful behavior that, while not unlawful, may contribute to a hostile working environment.

County Standard

To avoid unlawful sexual harassment from occurring, the County maintains a policy that is more strict and more inclusive than federal and state law. A County employee (“employee” is defined to include volunteers, interns, and other County representatives) may violate the Sexual Harassment Prevention Policy by engaging in a single act of unprofessional or disrespectful sexual conduct, even if the conduct would not constitute sexual harassment under state or federal law. Because all forms of sexual harassment are unprofessional and disrespectful, and may damage an individual’s career and well-being, the County will strictly enforce the Sexual Harassment Prevention Policy.

The Sexual Harassment Prevention Policy applies to all work-related conduct, including conduct that occurs off-duty, if such conduct may negatively affect the working environment. The Sexual Harassment Prevention Policy also applies to conduct that occurs in any location that can reasonably be regarded as an extension of the workplace, such as any off-site social or business function, or any other non-County facility where County business is being conducted.

The Sexual Harassment Prevention Policy is intended to apply to non-County employees, including, but not limited to, contractors, volunteers, interns, and other third parties.

Consequences of Violations

Any individual who violates the Sexual Harassment Prevention Policy, even if such conduct does not violate state or federal law, will be subject to appropriate corrective and/or disciplinary action, up to and including termination, regardless of job level or classification. In addition, the possibility of civil liability exists.

Retaliation Prohibited

The Sexual Harassment Prevention Policy prohibits County employees or third parties from engaging in any act of retaliation or reprisal against individuals who claim in good faith a violation of the Sexual Harassment Prevention Policy, pursuing such claims, or cooperating in any way in the investigation of such claims, regardless of the outcome of any such investigation. Any individual who engages in acts of retaliation or reprisal in violation of the Sexual Harassment Prevention Policy will be subject to appropriate corrective and/or disciplinary action, up to and including termination, regardless of job level or classification.

II. EXAMPLES OF CONDUCT THAT VIOLATES THE SEXUAL HARASSMENT PREVENTION POLICY

Sexual harassment generally is defined under state and federal law as unsolicited and unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature that interferes with work performance by creating an intimidating, hostile, or offensive working environment.

Such conduct may constitute unlawful sexual harassment if:

- submission to the conduct or communication is made either explicitly or implicitly a term or condition of employment; or
- submission to or rejection of the conduct or communication is used as a basis for employment or service decisions affecting the individual; or
- the conduct or communication has the potential to affect an individual's work performance negatively and/or create an intimidating, hostile, or offensive work environment.

Examples of conduct that may violate the Sexual Harassment Prevention Policy include, but are not limited to:

- Unwelcome sexual advances or sexual pressure.
- Demands for sexual favors in exchange for employment benefits, whether express or implied.
- Making or threatening reprisals after a negative response to sexual advances.
- Verbal conduct, such as derogatory or demeaning comments, slurs, sexually explicit jokes, comments about an individual's body or physical appearance, suggestive or obscene remarks, or practical jokes.

- Physical conduct, such as leering, sexual gestures, impeding or blocking movements, pinching, grabbing, patting, intentionally brushing up against another individual, rape, or assault.
- Visual conduct, such as displaying sexually-suggestive objects, cartoons, pictures, or posters.
- Posting, sending, or downloading derogatory, demeaning, or sexually suggestive or explicit materials in any form via electronic mail or the Internet.

Conduct in violation of the Sexual Harassment Prevention Policy may be directed against a particular individual or individuals of the opposite or same sex as the individual(s) engaging in the conduct.

III. RESPONSIBILITIES OF SUPERVISORS AND MANAGERS

Supervisors and managers are responsible for setting the tone to promote a working environment that is free from discrimination, harassment, retaliation, and unprofessional or disrespectful conduct. Managers and supervisors are expected to:

- Adhere to and enforce the Sexual Harassment Prevention Policy.
- Communicate the Sexual Harassment Prevention Policy to the employees under their supervision and management.
- Refrain from engaging in, condoning, tolerating, or leaving uncorrected conduct that violates the Sexual Harassment Prevention Policy.
- Take pro-active steps to prevent unprofessional or disrespectful sexual conduct, including, but not limited to: reviewing and discussing the Sexual Harassment Prevention Policy with staff on a regular basis (at least once every three months) and maintaining appropriate documentation of such discussions.
- Attend required training on the Sexual Harassment Prevention Policy and ensure employees under their supervision and management attend required training.
- Take immediate and appropriate corrective action to stop conduct that violates the Sexual Harassment Prevention Policy.

When a supervisor or manager becomes aware of conduct that may violate the Sexual Harassment Prevention Policy, the supervisor or manager is required to notify his/her direct supervisor and/or the District Attorney, County Counsel, or the Auditor/Risk Manager.

The failure of a supervisor or manager to take immediate and appropriate action to correct violations of the Sexual Harassment Prevention Policy will result in appropriate corrective and/or disciplinary action, up to and including termination, regardless of job level or classification.

IV. RESPONSIBILITIES OF EMPLOYEES

All County employees are expected to adhere to the Sexual Harassment Prevention Policy.

Employees are strongly encouraged to report any perceived violations of the Sexual Harassment Prevention Policy so the County may take appropriate corrective action to remedy the situation. Employees who believe they have witnessed or been the victim of conduct that violates the Sexual Harassment Prevention Policy should report the incident immediately, pursuant to the complaint process described below.

V. THE COMPLAINT PROCESS

Any County employee or applicant for employment or third party who believes the Sexual Harassment Prevention Policy has been violated is encouraged strongly to report any such alleged violations to any of the following:

- the employee's direct supervisor;
- any other County supervisor or manager; and/or
- the County's District Attorney, County Counsel, or the Auditor/Risk Manager.

No individual is required to contact his/her direct supervisor first to report conduct believed to be in violation of the Sexual Harassment Prevention Policy. Any of the above listed options may be utilized by an individual seeking to report a violation of the Sexual Harassment Prevention Policy. In addition, an individual may, but is not required to, confront the person engaged in the conduct believed to be in violation of the Sexual Harassment Prevention Policy before filing a complaint.

If an individual files a Formal Complaint of Discrimination with his/her direct supervisor, any other County supervisor or manager, or the County's Auditor/Risk Manager, County Counsel or District Attorney, the following process will be followed:

1. The County's District Attorney, County Counsel, or the Auditor/Risk Manager will review the complaint and determine whether a formal investigation is warranted.
2. If the County's Auditor District Attorney, County Counsel, or the Auditor/Risk Manager determines that an investigation should be conducted, a trained complaint investigator will be assigned to complete a thorough and complete investigation. A fact-finding inquiry of the allegations in the complaint will be conducted and a Report of Findings will be prepared.
3. The Report of Findings will be provided to the District Attorney, County Counsel, or the Auditor/Risk Manager for review. The District Attorney, County Counsel, or the Auditor/Risk Manager or his/her designee will

review the Report of Findings and determine whether a violation of this policy has occurred and make recommendations as to appropriate corrective and/or disciplinary action that should be taken, if any, based on the findings. All parties will be provided with a final Letter of Determination upon completion of the investigation.

The County strongly encourages individuals to report violations of the Sexual Harassment Prevention Policy as soon as possible after the alleged incident(s) occurs. Any delays in reporting violations may make the complaint more difficult to investigate, potentially adversely affecting the outcome of the investigation. Delays in reporting violations also may have negative consequences with respect to filing a complaint with the Department County of Fair Employment and Housing (DFEH), or the Equal Employment Opportunity Commission (EEOC).

Contact information for filing complaints is listed below:

Auditor/Manager
P.O. Box 425
Downieville, Ca. 95936
530-289-3273

County Counsel
131 South Auburn
Suite 200
Grass Valley, Ca. 95945
530-289-3212

District Attorney
P.O. Box 457
Downieville, Ca. 95936
530-289-3269

County employees and applicants for employment also may file a complaint with the following entities:

California Department of Fair Employment and Housing (DFEH)
2014 T Street, Suite 210
Sacramento, CA 95814
1-800-884-1684
916-227-0551

Equal Employment Opportunity Commission (EEOC)
901 Market Street, Suite 500
San Francisco, CA 94103
415-744-6500

Questions regarding this policy should be directed to the Auditor/Risk Manager, County Counsel or the District Attorney.

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