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EQUAL OPPORTUNITY EMPLOYMENT

Rationale: The health district strongly supports Title VII of the U.S. Civil Rights Act of 1964, as amended and Chapter 4112 of the Ohio Revised Code and will not tolerate unlawful discrimination or harassment of any nature by any of its employees.

Policy: The health district is committed to providing and maintaining a work environment that is characterized by respectful and considerate behavior.

This policy covers all employees, supervisors, and board of health members. Additionally, this policy covers all suppliers, visitors, clients, volunteers and any other individuals who enter health district property, conducts business on health district property, or who is served by health district personnel.

Definitions:

1. Disability – The health district supports the intent and purposes of the Americans with Disabilities Act (ADA) and prohibits discrimination against any qualified individual with a disability in hiring, promotions, transfers, or any other benefit or privilege of employment. To be considered a qualified individual, the employee must satisfy the requisite skills, experience, education and other job-related requirements of the position he/she holds or desires and must be able to perform the essential functions of the position, with or without reasonable accommodation.

The health district and employee will meet and discuss whether an accommodation is appropriate and, if applicable, the type of accommodation to be given.

2. Discrimination –The health district is an Equal Opportunity Employer and does not discriminate on the basis of race, color, religion, sex, age, national origin, ancestry, disability, military status, genetic testing, or any other legally protected characteristic. Unlawful discrimination can occur when an individual’s terms, conditions, benefits or privileges of employment are negatively impacted because of their membership in a protected classification.

This policy applies to all employment practices and personnel actions including advertising, recruiting, testing, screening, hiring, evaluation, duties assigned, selection for training,

upgrading, transfer, demotion, layoff, termination, rates of pay, and other forms of compensation. The health district will not tolerate conduct that intimidates, harasses, or otherwise discriminates against any employee or applicant for employment on the grounds listed above. Anyone who feels that his/her rights have been violated under this policy should submit a written complaint of discrimination and follow the complaint procedure, as described below.

3. Harassment – harassment is a form of discrimination. Harassment may generally be defined as unwelcome conduct based upon a protected classification. Harassment includes the use of oral epithets, slurs, or comments aimed at a protected class. Demonstrative conduct includes gestures, pictures, body parts, drawings and other items which offend a protected group. Harassment may also be written comments, cartoons and/or drawings on paper or other media. Harassment becomes unlawful when: (1) enduring the offensive conduct becomes a condition of continued employment; or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive.
4. Sexual Harassment – sexual harassment is a form of gender-based discrimination and consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, including: slurs, comments, jokes, innuendos, unwelcome compliments, inquiries about sexual activity, experience or orientation; physical behavior including unwelcome touch or blocking normal work movement; and posting of pictures, cartoons, pranks or other conduct of a sexual nature that creates an intimidating, hostile or offensive work environment or interferes with an individual’s work performance or opportunity.

Submission to unwanted advances will **never** constitute an actual condition of employment and any representation to the contrary is not reliable and should be reported. Sexual harassment occurs in the workplace when:

- a. submission to the conduct is made, either explicitly or implicitly a term or condition of employment; or
 - b. submission to or rejection of the conduct is used as a basis for an employment decisions; or
 - c. the conduct has the purpose or effect of substantially interfering with an individual’s work performance by creating an intimidating, hostile, or offensive work environment.
5. Off Duty Conduct – Unlawful discrimination or harassment that affects an individual’s employment may extend beyond the confines of the workplace. Conduct that occurs off duty and off premises may also be subject to this policy.

Procedure for Reporting Complaints of Discrimination:

1. Any employee who feels that they have been subjected to unlawful discrimination or harassment by a fellow employee, supervisor, or other individual otherwise affiliated with the health district or board of health members or other individual should immediately report the conduct, preferably in writing, to:
 - a. your immediate supervisor; or

- b. director; or
 - c. executive assistant; or
 - d. health commissioner. If the alleged harasser is the health commissioner or a member of the board of health, the employee may report the conduct to the Greene County Prosecutor's Office.
2. So that a thorough and accurate investigation may be conducted, employees are encouraged to submit a written report following the discriminatory or harassing incident. This writing should be filed as soon as possible and within a reasonable period of time following the incident which gave rise to the complaint.
 3. All reports of alleged discrimination or harassment will be investigated immediately and objectively. All employees are required to cooperate fully in any investigation. Information will be kept as confidential as practicable, although confidentiality cannot be guaranteed given the health district's status as a public agency. Any investigatory file maintained by the health district, or other materials related to the complaint, may be a public record under the Ohio Revised Code.
 4. Supervisors who experience, witness or receive a report of discrimination or harassment in violation of this policy shall give the complaint immediate attention and report it to the health commissioner. All supervisors are required to follow up on all claims or concerns, whether written or verbal, regarding unlawful discrimination and harassment. Supervisors have a duty to be knowledgeable about this policy and should discuss this policy with employees as needed.
 5. Investigation of a complaint for discrimination or harassment is conducted by administrative staff or other individuals designated by the health commissioner, with experience in human resource matters, and may include conferring with the parties or witnesses. The investigation will include a review of the circumstances and facts under which the alleged harassment occurred.
 6. Determinations of discrimination/harassment shall be made on a case-by-case basis. If the investigation reveals that the complaint is valid, prompt attention and corrective or disciplinary action designed to stop the harassment and prevent its recurrence will be taken, up to and including termination. Depending upon the nature of the incident, an individual who has discriminated and/or harassed another may be subject to civil and criminal liability under applicable federal and state law. If appropriate, law enforcement agencies or other licensing bodies will be notified.
 7. Anti-discrimination laws prohibit retaliatory conduct against individuals who file a discrimination charge, testify, or participate in any way in an investigation, proceeding, or lawsuit under these laws, or who oppose employment practices that they reasonably believe discriminate against protected individuals, in violation of these laws. The law also prevents retaliatory conduct against individuals who are close personal friends or family members with an individual who engaged in protected activity. The health district and its supervisors and employees shall not in

any way retaliate against an individual for filing a complaint, reporting discrimination or harassment, participating in an investigation, or engaging in any other protected activity. Any employee who feels that he/she has been subjected to retaliatory conduct as a result of actions taken under this policy, or as a result of his/her relationship with someone who took action under this policy, shall report the conduct pursuant to the procedure contained in this policy.

8. The complainant and/or reporting employee will be informed of the results of the investigation. If an employee is dissatisfied with the investigation findings, he/she may provide a written response to the health commissioner, or other individual responsible for conducting the investigation.
9. Employees also have the right to file a complaint or discuss the matter with the Ohio Civil Rights Commission and/or the Equal Employment Opportunity Commission. Complaints must be filed within specific timeframes established by each Commission. Please see the Employee Information Center for contact information.
10. Effective equal employment opportunity programs are a collaborative effort of supervisory personnel and employees at all levels.

RESPONSIBILITY: Health commissioner, human resources, director, program manager

SUPPLIES: N/A

RELATED POLICIES: Performance Improvement, Work Environment, and Workplace Violence and Threats

PERFORMED BY: All health district classified and unclassified employees, contractors, interns, suppliers, visitors, clients, volunteers and any other individuals who enter health district property, conducts business on health district property, or who is served by the health district.