

MENDOCINO COUNTY POLICY #23	SEXUAL HARASSMENT
ADOPTED: June 5, 1990 AMENDED: June 5, 2007	ADOPTED BY: MINUTE ORDER AMENDED BY: MINUTE ORDER

It is the policy of the County of Mendocino to provide for a work environment free from unwelcome sexual behavior and overtures. This policy applies to all employees, including permanent, probationary, part-time and temporary employees. This policy also applies to all volunteers. Sexual harassment is an unlawful employment practice prohibited by state and federal law and is an unacceptable work behavior that will not be tolerated by the County. County employees are expected to adhere to a standard of conduct while on the job that consists of respect and courtesy towards other employees and persons. Under no circumstances shall County employees engage in behavior that constitutes sexual harassment. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

County officials and employees who perpetrate sexual harassment will be subject to firm disciplinary action up to, and including, termination of employment. Retaliation resulting from a sexual harassment complaint will also subject the violator to disciplinary action. Anyone who engages in sexual harassment may not be entitled to indemnification and defense where the Board of Supervisors finds that such conduct falls outside the scope of employment.

In order to prevent sexual harassment, management and supervisory employees are responsible for, among other things, informing employees of the County policy and complaint procedure, and reporting all complaints of sexual harassment to the departmental management and the Human Resources Department for investigation.

It is the responsibility of the County of Mendocino to take appropriate disciplinary action if the findings of the investigation indicate sexual harassment has occurred.

A. DEFINITION OF SEXUAL HARASSMENT: Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The definition of sexual harassment includes harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions, including harassment of a person of the same gender as the harasser. The following is a partial list of types of sexual harassment:

- Unwanted sexual advances
- Offering employment or employment benefits in exchange for sexual favors
- Actual or threatened retaliation
- Leering; making sexual gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
- Making or using derogatory comments, epithets, slurs, or jokes
- Sexual comments including graphic comments about an individual's body; sexually degrading words used to describe an individual; or suggestive, obscene letters, emails, notes, or invitations

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- Physical touching or assault, as well as impeding or blocking movements
 - Any unsolicited written or oral communications and physical or visual contact with sexual overtones
- All County employees must refrain from behavior that constitutes sexual harassment under any of the following circumstances:

- a. Where submission to such conduct is either explicitly or implicitly a term or condition of employment, including advancement or receipt of other job-related benefits.
- b. Where submission to or rejection of such conduct by an employee is used as a basis for employment decisions affecting the employee or other employees.
- c. Where such conduct interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive working environment.

All County employees must refrain from behavior that constitutes sexual harassment; however, it is not the intent of the County of Mendocino to regulate or interfere with social interaction or relationships freely entered into by County employees.

B. SEXUAL HARASSMENT TRAINING: Pursuant to California Assembly Bill AB1825, effective January 1, 2005:

- All supervisors must attend Sexual Harassment training every two (2) years.
- All newly hired or promoted supervisors must attend Sexual Harassment training within six (6) months of appointment and every two (2) years, thereafter.

Sexual Harassment training must consist of two (2) hours of classroom or other effective interactive training designed to assist California employers in preventing and/or changing or modifying workplace behaviors that create or contribute to "sexual harassment" and to develop, foster and encourage a set of values in supervisory employees that will assist them in preventing and effectively responding to incidents of sexual harassment.

C. INSTRUCTIONS FOR FILING SEXUAL HARASSMENT COMPLAINTS: Acts of sexual harassment must be immediately reported by the complainant, to departmental management or to the County Human Resources Department. Acts of sexual harassment should, if possible, be reported first to the supervisor or manager; however, it is sometimes more comfortable for the complainant to talk directly with the Human Resources Director, or other Human Resources staff. Anyone who would prefer to contact Human Resources rather than his/her supervisor is encouraged to do so. Acts of retaliation against any individual who has complained about sexual harassment or is cooperating with an investigation of a sexual harassment complaint should be reported to departmental management or to the County Human Resources Department.

A complaint form may be obtained upon request from your supervisor or the Human Resources Department at 579 Low Gap Road, Ukiah CA; telephone (707) 463-4261.

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