

# ANTRIM COUNTY NON-DISCRIMINATION, HARASSMENT, RETALIATION, DISABILITY ACCOMMODATION AND RELIGIOUS ACCOMMODATION POLICY

Adopted August 4, 2022

## **1.0 Equal Employment Opportunity and Non-Discrimination**

Antrim County provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, disability, genetic information, marital status, veteran status, height, weight, and any other characteristic protected by applicable law. This policy applies to all terms and conditions of employment including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation and training. Consistent with this philosophy, equal opportunity is provided to all applicants and employees based on qualifications and job requirements.

Any employee who has concerns regarding any type of discrimination should contact Human Resources. In the event the County Administrator is the subject of the complaint, the employee should contact the Antrim County Board Chair. All claims of unlawful discrimination and/or retaliation will be promptly and thoroughly investigated. To the extent feasible, complaints will be handled confidentially.

Employees can raise concerns and make reports in good faith without fear of reprisal or retaliation. The County prohibits any form of retaliation against an employee for filing a complaint based on a good faith reasonable belief that a violation of this policy has occurred, for assisting in a related investigation, or opposing any practice in violation of this policy. Anyone found to have engaged in unlawful discrimination or retaliation will be subject to discipline, up to and including termination of employment. Additionally, appropriate action will be taken to deter any future discrimination and/or retaliation.

## **2.0 Non-Discrimination in Programs and Services**

The County is committed to compliance with all applicable laws, regulations, and directives regarding non-discrimination in its programs and services receiving federal financial assistance. In this regard, no person shall on the basis of race, color, national origin, disability, or other classification protected by applicable law, be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any federally funded program or activity of the County. Employees violating this policy may be subject to disciplinary action, up to and including termination of employment.

## **3.0 Harassment**

The County is committed to maintaining a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Unlawful harassment undermines the integrity of the employment

relationship and disrupts the operation and management of the County. Therefore, the County will not tolerate any form of unlawful harassment in the workplace which is based upon a person's race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, disability, genetic information, marital status, veteran status, height, weight, and any other characteristic protected by applicable law.

This policy applies to all employees while on duty whether on or off County property, while off duty and on County property, and applies while off duty and off County property if the conduct has the effect of interfering with an employee's work performance, and/or creates an intimidating, hostile, or offensive work environment.

### *3.1 Definitions of Harassment*

**Sexual Harassment:** Employee conduct or communications that result in the harassment of other employees on the basis of sex is illegal and such conduct is prohibited at the County. For the purposes of this policy, sexual harassment is defined as unwanted verbal or non-verbal sexual conduct or communications that are intended to or do in fact substantially interfere with an employee's employment or create an intimidating, hostile, or offensive work environment. Unwelcome sexual conduct or communications constitute sexual harassment when:

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

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

**Harassment Based on Protected Classification:** Harassment on the basis of any other protected characteristic is also strictly prohibited at the County. Under this policy, harassment is defined as any unwanted verbal, written or physical conduct that has the purpose or effect of unreasonably interfering with an employee's job performance or creating an intimidating, hostile, or offensive working environment. Prohibited harassment includes conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, veteran status, height, weight, and any other characteristic protected by applicable law or such characteristics of his/her relatives, friends or associates.

Harassing conduct includes, but is not limited to, epithets, slurs or negative stereotyping; display of images that are threatening, intimidating, hostile or offensive; unwelcome touches or threats of physical harm; denigrating jokes; and the use of degrading words, nicknames, and stories, whether communicated verbally, in writing, or electronically via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means.

### *3.2 Harassment by Non-Employees*

The County will take all reasonable steps to prevent or eliminate harassment of any type by non-employees including, but not limited to, customers, suppliers, vendors, and salespersons, who are likely to have workplace contact with our employees. Notwithstanding the foregoing, the County assumes no liability for the actions of non-employees.

### *3.3 Retaliation Prohibited*

Employees can raise concerns and make reports in good faith without a fear of reprisal or retaliation. The County prohibits any form of retaliation against an employee for filing a complaint based on a good faith reasonable belief of a violation of this policy, for assisting in a complaint investigation, or for opposing any practice in violation of this policy. Any employee found to have unlawfully harassed or retaliated against an employee in violation of this policy, will be subject to discipline, up to and including termination.

### *3.4 Reporting Procedures and Investigation*

Individuals who believe they have witnessed or been subject to any form of unlawful harassment or retaliation should immediately report the conduct to Human Resources. In the event the County Administrator is the subject of the complaint, the report should be made to the Antrim County Board Chair. All claims of unlawful harassment and/or retaliation will be promptly and thoroughly investigated. To the extent feasible, complaints will be handled confidentially.

An investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality will be maintained throughout the investigatory process to the extent practicable and consistent with adequate investigation and appropriate corrective action. The County will report its findings to the person(s) making the complaint and to the person(s) accused.

Anyone found to have unlawfully harassed, discriminated, or retaliated in violation of this policy will be subject to appropriate discipline, up to and including termination. Additionally, appropriate action will be taken to deter any future harassment and/or retaliation.

### *3.5 Management Responsibility*

Each manager and supervisor is responsible for maintaining a workplace free of harassment. This is accomplished by promoting a professional environment and by dealing with sexual harassment and harassment on the basis of any other protected characteristic as with all other forms of employee misconduct. It must be remembered that supervisors are the first line of defense against harassment. By setting the right example, a supervisor may discourage his or her employees from acting inappropriately. In addition, supervisors will often be the first to spot objectionable conduct

or the first to receive a complaint about conduct which he or she did not observe. As such, managers and supervisors must deal expeditiously and fairly with allegations of harassment whether or not there has been a written or formal complaint. They must:

1. Take all complaints or concerns of alleged or possible harassment, discrimination, or retaliation seriously no matter how minor or who is involved.
2. Immediately report all complaints and/or possible harassment, discrimination, and retaliation of which they become aware to Human Resources so that a prompt investigation can occur and any remedial action can be taken.
3. Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Managers and supervisors who knowingly allow or tolerate prohibited harassment, discrimination, or retaliation, or fail to make immediate reports to Human Resources as required under this policy, will be subject to appropriate discipline, up to and including termination.

#### **4.0 Disability Accommodation**

The County prohibits discrimination against a qualified employee or applicant with a disability who is able to perform the essential functions of his or her job, with or without a reasonable accommodation. Further, the County will not discriminate against any qualified employees or applicants because they are related to or associated with a person with a disability.

An employee requiring a reasonable accommodation must notify Human Resources as soon as the need for accommodation becomes known. Under state law, an employee must notify the employer in writing of the need for an accommodation within 182 days of when the employee knew or reasonably should have known that an accommodation was needed. Human Resources will engage in the interactive process with the employee in good faith in order to determine what, if any, reasonable accommodation would allow the employee to perform the essential functions of his/her job. Documentation from a medical provider may be necessary to verify a disability, evaluate the employee's ability to perform the essential functions of the job, or to assist in developing a reasonable accommodation. The County will reasonably accommodate the disabilities of qualified applicants or employees, unless a direct threat to the safety of the employee or others would result, or it would cause an undue hardship.

This policy is neither exhaustive nor exclusive. The County is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with all applicable federal and state laws.

#### **5.0 Religious Accommodation**

The County respects employee beliefs and dignity, and promotes tolerance and diversity in employment. An employee whose religious beliefs or practices conflict with his or her job, or with other aspects of employment, and who seeks a religious accommodation must submit a written request for the accommodation to Human Resources. The written request should include the type of religious conflict that exists and the employee's suggested accommodation.

Human Resources will engage in the interactive process with the employee in good faith in order to determine whether a work conflict exists due to a sincerely held religious belief or practice and whether a reasonable accommodation is available. The County will reasonably accommodate sincerely held religious beliefs or practices of employees, unless it would cause an undue hardship (more than a minimal burden on business operations) or result in a threat to the safety of the employee or others.