

Salt Lake County Human Resources Policy 3-100: Workplace Harassment, Discrimination, and Retaliation Complaints Procedure

Purpose

To provide the procedures by which an employee, volunteer or applicant may file a complaint of harassment, discrimination or retaliation.

I. Policy

Salt Lake County does not tolerate discrimination, retaliation or any form of harassment based on race, color, national origin, religion, age, disability, genetic information, gender, gender identity, pregnancy, sexual orientation, marital status and military or veteran status. Violation of this policy will result in discipline, up to and including, termination.

II. Procedures

- A. Salt Lake County does not tolerate discrimination, harassment or retaliation even if it does not rise to the legal definition of these terms:
 1. **Discrimination:** Any adverse employment action taken based upon an employee, applicant, or volunteer's race, color, national origin, religion, age, disability, genetic information, gender, gender identity, pregnancy, sexual orientation, marital status and military or veteran status. Sexual harassment is a form of discrimination and will not be tolerated.
 2. **Harassment:** Any unwelcome or unsolicited derogatory terms, comments, jokes, innuendos, other verbal, visual or physical conduct based upon race, color, national origin, religion, age, disability, genetic information, gender, gender identity, pregnancy, sexual orientation, marital status and military or veteran status that unreasonably interferes with an employee's working conditions.
 3. **Retaliation:** An adverse employment action taken or credible threat of an adverse employment action against an employee, volunteer or applicant as a result of participating in a protected activity if there is a causal connection between the threatened or adverse employment action and the protected activity. Retaliation can include a wide variety of conduct intended to restrain or has the effect of restraining employees from participating in protected activities. For example, being fired or demoted, a reduction in pay, denying training opportunities, etc.
- B. Salt Lake County is an "Equal Opportunity Employer" committed to nondiscrimination in all employment-related practices and decisions, including but not limited to recruitment, hiring, promotion, compensation, benefits and all other practices and decisions affecting employment status, rights and privileges.
 1. Administrators and supervisory personnel are required to take appropriate action to ensure all employment-related practices and decisions are made without discrimination, harassment or prejudicial treatment because of race, color, national origin, religion, age, disability, genetic information, gender, gender identity, pregnancy, sexual orientation, marital status and military or veteran status.

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2. It is a violation of policy for any supervisory personnel or employees to retaliate against an employee for filing a harassment or discrimination complaint or for supporting or assisting in the filing or investigation of such a complaint.
 3. A supervisor or manager who violates this policy will be subject to discipline.
- C. Duty to Notify and Complaint Procedure
1. Employees and volunteers who are subjected to or are aware of harassment, discrimination or retaliation by or against a County employee, an applicant for employment or a person conducting business with the County have the right to file a complaint. The complaint should be filed as soon as possible, but within 30 calendar days s/he became aware of the act.
 2. A written, signed [complaint](#) alleging harassment, discrimination or retaliation may be filed:
 - a. by any individual who believes s/he has been subjected to sexual harassment , discrimination or retaliation in violation of policy; or
 - b. by an individual acting on behalf of a complainant
 3. The complaint may be filed with:
 - a. Any supervisor in the employee's chain of command
 - i. If a supervisor in the employee's chain of command is not available, an employee may file a complaint with any supervisor in the employee's agency
 - b. The Human Resources Division Director/designee
 - c. The EEO Manager/designee
 - d. The Mayor/designee
 - e. Any County Council member/designee
 4. Anyone listed above receiving a complaint shall contact the EEO Manager/designee within one working day of being notified of a potential violation of this policy.
- D. A complaint filed against an Elected Official will be referred to the Mayor or County Council as appropriate. The Mayor or County Council will initiate an investigation by an external investigator.
- E. Duties of Administrators, managers, and supervisory personnel.
1. Administrators, managers, and supervisory personnel should take appropriate action to address any immediate concerns regarding discriminatory, harassing or retaliatory action.
 2. Administrators, managers and supervisory personnel are to ensure harassment and discrimination are prevented and where it does occur is properly reported.
 3. Administrators, managers and supervisory personnel are responsible for monitoring the work environment for signs of harassment and discrimination, and are to intervene before behavior rises to the level of a policy violation. They should take steps to stop inappropriate behavior and may counsel employees and take immediate corrective action.
- F. Duties of the EEO Manager/designee
1. The EEO Manager/designee will determine the appropriate level of review.
 2. The EEO Manager will have authority to enforce this policy including hiring external investigators.
 - a. If the EEO Manager designates the agency to review a complaint:

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- i. the agency will take no longer than 21 calendar days to review the complaint;
- ii. the agency will complete a report of its findings, and
- iii. provide the report to the EEO Manager

G. Final Conclusions and Appeal

1. Final conclusions will be based on all evidence presented including factors such as plausibility, demeanor, motive to falsify, corroboration and past record. If the review indicates no further action is necessary the agency will notify the complainant, the accused and the EEO Manager/designee in writing.
2. If the complaint cannot be resolved, the matter will be referred to the EEO Manager/designee for further action. The EEO Manager/designee will assign investigators to conduct a further investigation that will be completed within 45 calendar days from receiving the complaint.
3. Upon completion of the investigation, the EEO Manager/designee will provide the complainant, the accused and the Administrator of the accused with a letter outlining the final disposition and summary of findings of the investigation.
4. The Administrator will take administrative or disciplinary action when the findings of an investigation substantiate the complaint.
5. Appeal
 - a. The appeal process is limited to specific concerns about the way a review or investigation was handled such as a critical piece of information was missed, a key witness was not interviewed or a crucial piece of evidence was not considered. The appeal process is not designed to have the complaint re-investigated merely because an employee disagrees with the outcome.
 - b. A complainant or an accused may file an appeal with the Career Service Council by citing a specific reason in writing within 15 calendar days of receipt of the final disposition.

H. Confidentiality

1. The privacy of all parties involved in a complaint or investigation will be protected to the extent provided under policy and the law.
2. All of the official documents related to the review or investigation will be maintained by the Human Resources EEO Section and will be released in accordance with GRAMA.

- I. Any of the time limits outlined in this policy may be waived by the EEO Manager/designee based upon a written request justifying an extension of time.

III. References

- A. Age Discrimination in Employment Act of 1967, as amended
- B. Americans with Disabilities Act of 1990
- C. ADA Amendments Act of 2008
- D. Rehabilitation Act of 1973
- E. Title VII, Civil Rights Act of 1964, as amended
- F. Civil Rights Act of 1991
- G. Equal Pay Act of 1962, as amended

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- H. Pregnancy Discrimination Act of 1978
- I. Genetic Information Nondiscrimination Act of 2008
- J. Utah Antidiscrimination Act, Utah Code 34A.5.106
- K. Reporting of Governmental Waste or Violations of Law, UCA 67.21.3
- L. Utah Right to Work Law, Utah Code 34.33 et seq
- M. Governmental Records Access and Management Act of 1992, UCA 63.2
- N. Report of Wrongdoing, Salt Lake County Code of Ordinances 1986, Section 2.80.110
- O. Discrimination Prohibited, Salt Lake County Code of Ordinances 1995, Section 2.80.140
- P. Salt Lake County Countywide Policy and Procedure: Discovery and Report of Wrongdoing or Criminal Activity – No. 1304
- Q. Human Resources Policy:
 - 1. 1-200 General Definitions
 - 2. 3-400 Discipline
 - 3. 3-500 Grievance Procedure