

County of Gloucester
Human Resources Manual

CHAPTER:	7 – CONDUCT AND PERFORMANCE	ADOPTED: 3/7/06
SECTION:	7 – PROHIBITION OF DISCRIMINATION, HARASSMENT OR HOSTILE ENVIRONMENTS IN THE WORKPLACE	REVISED: 9/21/16

- I. The County of Gloucester is committed to providing every County employee with a workplace free from discriminatory harassment, including sexual harassment and/or a hostile work environment. The County of Gloucester has a no-tolerance policy towards all forms of unlawful employment discrimination based upon race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, pregnancy, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait of any individual, service in the Armed Forces of the United States, nationality, and the refusal to submit to genetic testing or make available the results of a genetic test to an employer.

Unlawful discriminatory harassment undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale and interferes with work productivity. This policy applies to all employees and applicants for employment with the County. The County of Gloucester has a no-tolerance position towards harassment or discrimination by anyone in the workplace including supervisors, co-workers, or non-employees. This policy applies to conduct which occurs in the workplace as well as that which occurs at any location that can be reasonably regarded as an extension of the workplace, such as any field location, any off-site business-related social function, or any facility where County business is being conducted and discussed.

This policy also applies to third party harassment. Third party harassment is unwelcome behavior of a sexual, racial or derogatory nature regarding any protected category that is not directed at an individual but is a part of that individual's work environment. Third party harassment based upon any of the aforementioned protected categories is prohibited by this policy.

This policy pertains to all employment practices including hiring, promotion, transfer, demotion, termination, salary, benefits, other privileges, conditions or terms of employment, layoff, internships, apprenticeships, training programs, fringe benefits, working conditions and career development.

II. Discriminatory Harassment Based on Race, Creed, Color, Age, Ancestry, Nationality, Marital or Domestic Partnership or Civil Union Status, Sex, Gender Identity or Expression, Disability, Liability for Military Service, Affectional or Sexual orientation, Atypical Cellular or Blood Trait, Genetic Information (including the refusal to genetic testing is Unlawful and is Prohibited).

It is a violation of this policy to engage in any employment practice or procedure which treats an employee less favorably based upon a person's race, creed, color, national origin, age, ancestry, nationality, marital or domestic partnership or civil union status, sex, gender identity or expression, disability, liability for military service, affectional or sexual orientation, atypical cellular or blood trait, and genetic information (including refusal to submit to genetic testing) which have the effect of harassing an employee or creating a hostile work environment. Discriminatory Harassment or the creation of a hostile work environment can occur even if there was no intent on the part of an individual to harass or demean another.

Examples of Behaviors That May Constitute Prohibited Workplace Discrimination or Harassment Include, But Are Not Limited To:

- Discriminating against an individual with regard to terms and conditions of employment because of that individual's race, gender, age, religion, disability, affectional or sexual orientation, gender identity or expression, place of origin, or his or her ancestor's place of origin.
- Treating an individual differently because of race, gender, age, religion, disability, affectional or sexual orientation, gender identity or expression, place of origin, or his or her ancestors' place of origin, or because an individual has the physical, cultural or linguistic characteristics of a racial or national origin group.
- Treating an individual differently because of marriage to or association with persons of a racial, religious or national origin group; or due to membership in or association with an organization identified with the interests of a racial, religious or national origin group; or because an individual's name or spouse's/civil union partner's name is associated with a racial, religious or national origin group.
- Calling another by an unwanted nickname which refers to one or more of the above characteristics, or telling ethnic jokes which harasses an employee or create a hostile work environment.
- Using derogatory references regarding any of the above characteristics in any job-related communication.

- Engaging in threatening, intimidating, or hostile acts, in the workplace, based on the foregoing classifications.
- Displaying or distributing material in the workplace that contains language or images that are derogatory or demeaning, based upon any of the foregoing classifications.

III. **SEXUAL HARASSMENT**

As part of the Employee Conduct and Performance Policy it is a violation of same to engage in sexual harassment of any kind. For the purposes of this policy, sexual harassment, with or without sexual conduct, is defined, as in the Equal Employment Opportunity Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual Harassment generally falls into two categories: quid pro quo and hostile work environment harassment:

A. Quid Pro Quo Sexual Harassment is a form of harassment that may include unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct based on the gender of the affected employee when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of employment; or (b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions. It shall be a violation of this policy for any person to use his or her authority to make any sexual advance toward an individual over whom the person is authorized to make, recommend or otherwise to influence personnel actions; to grant, recommend, or refuse to take personnel action on the basis of an employee's gender or sexual orientation, gender identity or expression, or in exchange for sexual favors; or to take or fail to take a personnel action as reprisal against any employee for rejecting or reporting a sexual advance. Sexual advances or requests for sexual favors can be in the form of either expressed or implied comments, writings, or actions.

B. Hostile Work Environment Sexual Harassment is a form of harassment that may include unwelcome sexual advances, requests for sexual favors, and other

verbal or physical conduct of a sexual nature which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Gender-based harassment may give rise to a claim of a hostile environment whether or not sexual activity or language is involved, if it has the purpose or effect of abusing, devaluing or subordinating the members of one sex and it adversely affects an individual's employment opportunities.

C. Third party sexual harassment is unwelcome behavior of a sexual nature or based on sex that is not directed at an individual but is a part of an individual's work environment.

Examples of Prohibited Behaviors That May Constitute Sexual Harassment Include, But Are Not Limited To:

- Generalized gender-based remarks and comments.
- Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body or impeding or blocking movement.
- Verbal or written sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mail, invitations, gestures or inappropriate comments about a person's clothing.
- Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily-clad individuals.
- Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention.
- Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any employment practice such as performance evaluations or promotional opportunity.
- Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

IV. EMPLOYEE RESPONSIBILITIES

Any employee who believes that she or he has been subjected to any form of prohibited discriminatory harassment, including sexual harassment, or who witnesses others being subjected to such harassment or discrimination is required and expected to promptly report the incident(s) to either the County's Equal Employment Opportunity Officer or to one of the individuals listed on page 6. All employees are required and expected to cooperate with investigations

undertaken pursuant to this policy. Failure to cooperate in an investigation may result in disciplinary action, up to and including termination.

V. Department Head and Supervisor RESPONSIBILITIES

Department Heads and Supervisors are required to maintain a work environment free from any form of prohibited, unlawful discriminatory harassment. Supervisors and Department Heads are required to take all allegations of discrimination/harassment, including sexual harassment, seriously, and to immediately refer the matter (whether reported by an employee or observed directly) to the County's Equal Employment Opportunity Officer. All complaints will be reviewed, and prompt and appropriate remedial action will be taken to address any substantiated claim. Department Heads and Supervisors shall adhere to the County's no tolerance policy towards discriminatory harassment, including sexual harassment.

VI. COMPLAINT PROCESS

The Gloucester County Equal Employment Opportunity Officer is the designated representative to investigate, determine, and mediate claims of discriminatory harassment. In order to facilitate prompt, thorough and impartial investigation, all complainants should fill out a Complaint Processing Form (available from supervisors/department heads, on the internet and in the County Human Resources Department). All investigations of discrimination/harassment claims shall be conducted in a way that respects, to the extent possible, the privacy of all the persons involved. The investigations shall be conducted in a prompt, thorough and impartial manner. The Equal Employment Opportunity Officer will make a final determination as to whether a violation the Gloucester County Conduct and Performance Policy and/or the New Jersey Law Against Discrimination has occurred. Where discrimination/harassment is found to have occurred, the County shall take prompt and appropriate remedial action to stop the discrimination/harassment and deter its reoccurrence. The remedial action taken may include counseling, training, intervention, mediation, and/or the initiation of disciplinary action up to and including termination of employment.

Any employee can file a complaint directly with external agencies that investigate discrimination/harassment charges in addition to utilizing this internal procedure. The time frames for filing complaints with external agencies indicated below are provided for information purposes only. An employee should contact the specific agency to obtain exact time frames. The deadlines run from the last date of unlawful harassment or discrimination, not from the date that the internal workplace discrimination/harassment complaint to the employer is resolved. Employees may file complaints with the agencies listed on the following page.

County of Gloucester
Human Resources Manual

Division on Civil Rights, N. J. Department of Law & Public Safety 180 days for violation of State law	
Northern Regional Office 31 Clinton Street 3 rd Floor Newark, NJ 07102 (973) 648-2700 TTY (973) 648-4678	South Shore Regional Office 1325 Boardwalk 1 st Floor Atlantic City, NJ 08401 (609) 441-3100 TTY (609) 441-7648
Southern Regional Office 5 Executive Campus Suite 107 Cherry Hill, NJ 08034 (856) 486-4080 TTY (973) 648-4678	Central Regional Office 140 East Front Street 6 th Floor Newark, NJ 07102 (609) 292-4605 TTY (609) 292-1785
United States Equal Employment Opportunity Commission (EEOC) 300 days 801 Market Street, Suite 1300 Philadelphia, PA 19107-3127 (800) 669-4000 TTY (800) 669-6820	

VII. PROHIBITION AGAINST RETALIATION

Retaliation against any employee who alleges that she or he was the victim of discrimination/harassment, or against any employee who provides information in the course of an investigation into claims of unlawful discrimination/harassment in the workplace is prohibited by this policy. Any employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall not be subjected to adverse employment consequences based upon such involvement or be the subject of retaliation.

VIII. FALSE ACCUSATIONS AND INFORMATION

If any employee knowingly makes a false accusation of unlawful discrimination/harassment or knowingly provides false information in the course of an investigation of a complaint, such conduct may be grounds for discipline. Complaints made in good faith, however, even if found to be unsubstantiated, shall not be considered a false accusation.

IX. CONFIDENTIALITY

All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process. In the course of an investigation it may be necessary to discuss the claims with the alleged harasser and other persons who may have relevant knowledge. Therefore, it may be necessary to disclose information to persons with a legitimate need to know about the matter. All persons interviewed shall be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in disciplinary action.

X. DISCIPLINARY ACTION

Any employee found to have violated this policy may be subject to appropriate disciplinary action which may include: reprimand, suspension, reassignment, or termination of employment. Referral to another appropriate authority for review for possible violation of State and Federal statutes may also be appropriate.

XI. TRAINING

All County departments should provide employees with information regarding the prevention of unlawful discrimination/ harassment and the complaint procedure to be followed in filing complaints when unlawful harassment/discrimination has occurred. All County departments should provide supervisors and managers with training that will inform them of the appropriate steps to be taken to address complaints of unlawful discrimination/harassment.