



Boulder County Personnel Manual

CHAPTER I GENERAL PROVISIONS

NUMBER: 100 Statement of General Policy (July 1, 2008)

It is the goal of Boulder County Government to provide, efficiently and effectively, essential public services to its citizens. All Boulder County employees share in this goal. This Personnel Manual defines our policies and procedures in hopes of ensuring the well-being of County employees and promoting effective County operations.

It is an expressed goal of the Boulder County Commissioners to foster multicultural diversity in all phases of Boulder County Government. Boulder County promotes multicultural diversity in the workplace and recognizes, understands, and respects the interests and concerns of its diverse employees and citizens. Multicultural diversity, for purposes of this policy, includes race, color, religion, gender, gender identity, disability, sexual orientation, age, and socio-economic status. Boulder County is committed to a multicultural diverse work force in all departments at every level. Boulder County shall strive to design all services and operations in every department to serve the diverse citizens of the County. Multiculturalism shall be viewed as an integral and essential element of the County work environment, one in which great value is vested. It is the responsibility of all County Department Heads to ensure that this goal is articulated to each employee under their supervision. It is expected that all employees exhibit behavior consistent with this policy.

This manual is not intended to supersede the authority of the Board of County Commissioners, Elected Officials, or the Public Health Administrator as provided by the statutes of the State of Colorado. Nothing in this manual may be interpreted as a contract between the employee and the employer.



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CHAPTER I GENERAL PROVISIONS

NUMBER: 101 Harassment, Discrimination and Retaliation Policy (July 1, 2007)

A. Introduction and Policy Statement

The County is committed to having a positive working environment for employees and will use its best efforts to prevent and/or eliminate all forms of discrimination, harassment, and/or retaliation. Discrimination, harassment and retaliation are an attack on the dignity of individuals and violates County policy. It is also illegal under state and federal law.

This Policy applies to all employees of the County. It allocates responsibilities for helping to ensure that County policy is fairly applied, explains the processes by which complaints of discrimination, harassment, and/or retaliation may be brought forward, and provides sanctions for discrimination, harassment, and/or retaliation which may range from reprimands to termination.

B. What are Discrimination, Harassment and Retaliation?

Discrimination occurs when employment decisions are based on stereotypes or assumptions about the abilities, traits, or performances of individuals based on race, color, religion, gender, gender identity, national origin, age, disability, socio-economic status or sexual orientation.

Harassment is unwelcome conduct that is based on race, color, religion, gender, gender identity, national origin, age, disability, socio-economic status or sexual orientation. Harassment becomes unlawful where 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.

Sexual harassment is defined as any unwelcome sexual advance, request for sexual favor, or other verbal or physical conduct of a sexual nature, when

(1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;

(2) submission to or rejection of such conduct by an individual is used as the basis, or threatened to be used as the basis, for employment decisions or assessments affecting an individual; or

(3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment for work.

Harassment can be verbal, visual, physical, or communicated in writing or electronically.

Retaliation occurs when an employer takes an adverse action against an individual because he or she engaged in a protected activity. An adverse action is an action taken to try to keep someone from opposing a discriminatory practice, or from participating in an employment discrimination proceeding.

Adverse actions are:

Employment actions such as termination, refusal to hire, and denial of promotion.

Other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance, and any other action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from pursuing their rights. Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, "snubbing" a colleague, or negative comments that are justified by an employee's poor work performance or history.

C. Filing a Complaint

Any employee, who believes that she or he has been discriminated against, harassed, and/or retaliated against, has a number of options. The employee should select the route that feels most appropriate for the circumstances. The employee may file a complaint with any of the following:

1. the employee's immediate supervisor, or
2. the employee's supervisor's supervisor, or
3. the Department Head/Elected Official in the Department/Office where the employee works, or,
4. Human Resources

If an employee believes that she or he is being subjected to harassment while working during hours which the Human Resources Office is closed, the employee should leave work immediately and file a complaint the next work day.

D. Investigation and Confidentiality

Upon notice of a complaint involving potential discrimination, harassment, and/or retaliation Human Resources will promptly investigate the complaint. The County will strive to protect the confidentiality of all aspects of its investigation; however, the County cannot guarantee confidentiality. All employees are expected to cooperate with Human Resources during the course of an investigation of discrimination, harassment, and/or retaliation.

E. Protection of Rights

The County will not tolerate retaliation or discrimination against persons, who in good faith, report or charge discrimination or harassment or against those, who in good faith, testify, assist, or participate in any investigation, proceeding, or hearing involving a complaint of discrimination or harassment. Any retaliation -- or any encouragement of another to retaliate -- is a serious violation of County policy and law, independent of whether the particular claim of discrimination or harassment is substantiated. If an employee believes he or she has been subjected to retaliation in violation of this rule, the employee may use the procedures described in Section C, above.

F. Obligations of Reporting

The County can respond to specific instances and allegations of discrimination, harassment and/or retaliation only if it is aware of them. The County, therefore, encourages anyone who believes that she or he has experienced discrimination, harassment and/or retaliation to file a complaint (See Section C, above). In addition, any County supervisor/manager who becomes aware of instances or allegations of discrimination, harassment, and/or retaliation by or against a person under his or her supervisory authority must report it to Human Resources immediately. Any employee who becomes aware of information indicating a significant likelihood of discrimination, harassment and/or retaliation must also report such information to Human Resources. A supervisor/manager who fails to report an instance of, or an allegation of, discrimination, harassment and/or retaliation may be subject to discipline, up to and including termination.

G. Possible Sanctions

A person found guilty of behavior in violation of this policy will be subject to discipline, up to and including termination. All sanctions will follow the policies and procedures of the Boulder County Personnel Manual.