

ADMINISTRATIVE ORDER
OF THE
JEFFERSON COUNTY COMMISSION
NO. 92-7

PURSUANT to the authority vested in the Jefferson County Commission by the Code of Alabama, the following Administrative Order is hereby issued.

PURPOSE

To establish the Jefferson County
Sexual Harassment Prevention
and Grievance Policy.

GENERAL POLICY

Jefferson County employees are valuable resources and their morale and freedom from sexual harassment is a serious concern. The County will not tolerate sexual harassment and sexually offensive behavior which affects County employees, or any aspect of the County's operations.

It is the intention of the County Commission in adopting this policy to prevent sexual harassment in the workplace and to provide a procedure to remedy violations including the opportunity to resolve violations and conflicts in a non-adversarial manner at the level closest to the affected parties.

1. DEFINITION

As used herein the following terms shall have the meaning hereby ascribed to them:

A. "Supervisor" shall mean any official or employee of Jefferson County who supervises any other official(s) or employee(s) of Jefferson County.

B. "Employee" shall mean all officials, employees, whether part-time, regular, or contract who are compensated for services by Jefferson County.

C. "Sexual Harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

(1) submission to such conduct is made either explicitly or implicitly 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 for employment decisions affecting such 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 working environment.

2. PROHIBITIONS

The following conduct is expressly prohibited and violations shall result in disciplinary action which may include termination:

A. All forms of sexual harassment.

(1) This encompasses all behavior which fits within the definition given above and includes, but is not limited to:

(a) Informing an employee that their job security or promotion depends upon their agreeing to engage in sexual acts;

(b) Contact with an employee's anatomy of a sexual nature;

(c) Display of material which contains photographs, drawings or cartoons depicting nudity;

(d) Vulgar discussions of a sexual nature;

(e) Unsolicited advances of a sexual nature;

(f) Discussions or comments or jestures concerning sexual anatomy, or the anatomy of others;

(g) Sexually explicit jokes;

(h) Open or implied requests for sexual acts; and

(i) Assignment of work duties based upon stereotypical gender functions rather than the individual's work role.

(2) Sexual harassment includes sexual harassment committed by supervisors, employees, co-workers, visitors, and clients.

(3) Sexual harassment includes sexual harassment committed against supervisors, employees, co-workers, visitors and clients.

B. Tolerance by a supervisor of sexual harassment. This includes the following behavior:

(a) Failure to stop or otherwise interrupt or seek to stop sexual harassment (as defined herein) occurring in the presence of a supervisor.

(b) Failure to receive complaints of sexual harassment.

(c) Failure to report to proper authority complaints of sexual harassment.

(d) Failure to initiate investigation of reported sexual harassment.

(e) Failure to carry out affirmative directives of this administrative order, specifically including, the supervisor responsibilities set out at Paragraph (4)B. hereof.

(f) Failure to stop or otherwise intervene to prevent any form of retaliation against any employee or other individual making a sexual harassment complaint or report or providing any evidence.

C. All forms of Retaliation. This includes the following:

(a) Any form of intimidation or threat of any nature whatsoever against an employee or anyone else for making a sexual harassment complaint or for reporting or providing any form of evidence relating to such a complaint.

3. GRIEVANCES/COMPLAINTS

An employee who feels subjected to sexual harassment should follow one of the below listed procedures depending upon the identity of the harasser:

A. If the person committing the harassment is the employee's immediate supervisor, the employee should report the harassment to their supervisor's supervisor.

B. If the person committing the harassment is someone other than the employee's immediate supervisor, the employee should consult their immediate supervisor.

C. If the employee being harassed is uncomfortable for any reason in relaying the nature of the harassment to a supervisor, the employee may bypass the supervisor and report the harassment to the Jefferson County Employee Relations Officer or the County Attorney.

D. After relaying the complaint to the appropriate party, that party will notify the County Attorney and initiate an

investigation into the allegations to determine the appropriate corrective action.

E. Following the investigation, the appropriate supervisor and the County Attorney will confer and determine if the circumstances should be initially handled by informal mediation or by formal grievance or by disciplinary action. If mediation is selected the appropriate supervisor shall meet with the complainant and propose informal mediation. If the complainant agrees, mediation will proceed between the complainant, the alleged violator, and the appropriate supervisor with advice of the County Attorney. If the mediation results in a resolution satisfactory to the complainant, the complainant will be requested to acknowledge such satisfaction and the matter shall be concluded.

Such resolutions may include the following:

- (a) Confrontation with the individual(s) involved;
- (b) apologies;
- (c) warnings;
- (d) any form of educational or attendance at required educational presentations.

Provided, if the terms of the resolution are not fulfilled, appropriate disciplinary action against the violator(s) may be initiated.

If mediation is rejected or does not result in a satisfactory resolution, the appropriate supervisor and the

County Attorney will confer and determine if disciplinary action shall be initiated. The complainant may proceed to initiate a grievance pursuant to Rule 8.6 of the Personnel Board Rules and Regulations or any other available legal remedy.

F. The Jefferson County Commission encourages employees to freely report incidents of sexual harassment in accordance herewith.

G. Retaliation against any employee or another for reporting any violation hereof is expressly prohibited by this policy, the Jefferson County Commission, and law.

4. RESPONSIBILITIES

A. Employees

No employee shall sexually harass another employee.

All employees shall:

- (a) Familiarize themselves with the contents of this policy.
- (b) Promptly report acts of sexual harassment through the appropriate channels as listed above. This includes not only acts in which the employee is a victim, but also acts observed or made known to the employee in which the victim is a Jefferson County Employee or other individual on County property.
- (c) Be aware that they may be personally liable and may be sued for any acts of harassment which they commit.

B. Supervisors

All supervisors shall:

- (a) Post a copy of this policy within their department in a conspicuous location, and shall make the contents of this policy known to all subordinates;

(b) Express strong disapproval of actions which constitute harassment and shall explain the sanctions for those who commit harassment;

(c) Periodically inspect the physical premises of their department to insure that material which violates this policy is not displayed;

(d) Periodically review this policy with their subordinates in group meetings;

(e) Initiate requests, if needed, to the Employee Relations Office for training materials and assistance;

(f) Report complaints to the County Attorney;

(g) With advice of the County Attorney, investigate every sexual harassment claim brought to their attention.

(h) Be aware that they may be personally liable and may be sued for any acts of harassment which they commit.

C. Employee Relations Officer

The Employee Relations Officer shall:

(a) Organize and conduct workshops, classes, and seminars on sexual harassment prevention;

(b) Receive any sexual harassment complaint directed to that office and confer with the appropriate supervisor and the County Attorney;

(c) Upon the request of the County Attorney, take appropriate steps to mediate and resolve sexual harassment complaints.

D. Conduct of the Investigation

The appropriate department head-supervisor shall:

(a) Immediately notify the County Attorney of any sexual harassment complaint;

(b) Investigate any such Complaint with advice of the County Attorney;

(c) Initiate appropriate grievance disciplinary proceedings against any offenders with advice of the County Attorney.

5. CONDITION OF EMPLOYMENT

Compliance with the County's Sexual Harassment Prevention and Grievance Policy is a condition of employment. Failure or refusal of an employee to fully obey the policy and cooperate in any investigations, including testifying for or against an accused, may be grounds for disciplinary action including termination.

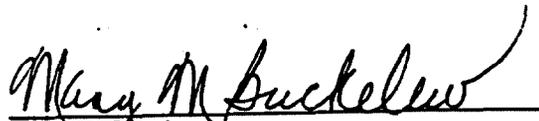
6. FALSE COMPLAINT

Nothing in this policy shall be deemed to immunize a complainant from appropriate disciplinary action or other available legal remedy for making a false or fraudulent complaint hereunder.

7. EFFECTIVE DATE

This administrative order shall be effective November 24, 1992.

ORDERED at the Jefferson County Courthouse this the 24th day of November, 1992.



President
Jefferson County Commission

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