

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

Purpose

This policy provides the rules, regulation, and 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 harassment, discrimination, or retaliation ~~or any form of harassment~~ based on the following protected classes: race, color, religion, sex (including sexual orientation, gender identity, and pregnancy), national origin, age (beginning at age 40), disability, or genetic information (including family medical history), ~~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 may ~~will~~ result in discipline, up to and ~~including,~~ termination.

II. Procedures

A. Salt Lake County does not tolerate harassment, discrimination, harassment, or retaliation even if it does not rise to the prevailing legal standard. ~~Violations of this policy are evaluated under the County policy standard stated below and not the prevailing legal standard.~~ definition of these terms:

1. **Harassment:** unwelcome offensive conduct that is based on protected classes.

a. Harassment becomes a violation of policy where the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Petty slights, annoyances, and isolated incidents (unless extremely serious) do not meet this standard.

b. **Sexual Harassment:** unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

~~1-2.~~ **Discrimination:** Any adverse employment action taken where a discriminatory reason was a motivating factor. ~~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 tolera~~

~~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 unreasonable interferes with an employee's working conditions.

3. **Retaliation:** An adverse employment action ~~taken, or credible threat of an adverse employment action, taken against an employee where participating in a protected activity was a motivating factor~~ or credible threat of an adverse employment action against an employee, volunteer or applicant, 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

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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, managers, and supervisory personnel ~~supervisory personnel~~ are required to take appropriate action to ensure all employment-related practices are nondiscriminatory ~~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.~~
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 County volunteer ~~or a person conducting business with the County~~ have the right to file a complaint. The complaint should be filed as soon as reasonably practicable ~~possible, but within 30 calendar days s/he became aware of the act~~
2. A complaint ~~written, signed~~ complaint alleging harassment, discrimination or retaliation may be filed:
 - a. by any individual who believes s/hethey have 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 Agency;
 - b. The Human Resources Division Director/designee;
 - c. The EEO Manager/designee;
 - d. The Mayor/designee; or
 - e. Any County Council member/designee.
4. Anyone listed above receiving a complaint shall contact the EEO Manager/designee as soon as reasonably practicable ~~within one working day of being notified of a potential violation of this policy.~~

D. A complaint filed against an Elected Official may be referred to ~~will be referred to the Mayor or County Council as appropriate. The Mayor or County Council will initiate an investigation by an external investigator at the discretion of the EEO Manager unless otherwise directed by the Mayor or Council.~~

E. Duties of Administrators, managers, and supervisory personnel.

1. Administrators, managers, and supervisory personnel should take appropriate action to address any immediate concerns regarding harassing, discriminatory, ~~harassing or retaliator~~ retaliation ~~ry action.~~
2. Administrators, managers, and supervisory personnel are to ensure harassment and discrimination are prevented, and where it does occur, it is properly reported.
3. Administrators, managers, and supervisory personnel are responsible for monitoring the work environment for signs of harassment, and discrimination, and retaliation ~~, and are to intervene immediately where appropriate. and may counsel employees and take immediate~~

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~~corrective action.~~

F. Duties of the EEO Manager/designee

1. The EEO Manager/designee will shall determine the appropriate level of review.
2. The EEO Manager/designee shall make all findings within a reasonable period of time.

~~1.—~~

- ~~2.—The EEO Manager will have authority to enforce this policy including hiring external investigators.~~

~~If the EEO Manager designates the Agency to review a complaint: The EEO Manager/designee shall provide the accused with the allegations and an opportunity to respond prior to the completion of the review.~~

~~the Agency will take no longer than 21 calendar days to review the complaint;~~

~~the Agency will complete a report of its findings, and~~

- ~~3. provide the report to the EEO Manager.~~

G. ~~EEO Findings~~al 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.~~

1. Upon completion of the investigation, the EEO Manager/designee may prepare a report depending on the level of review.

- ~~3.2. If a report is prepared, it shall be will provided to the complainant, the accused, and the Administrator of the accused with a letter outlining the final disposition and summary of findings of the investigation.~~

3. The Administrator shall will take administrative or disciplinary action when the findings of an investigation review substantiate the complaint.

4. A complainant or accused may provide a written response to an EEO finding that shall be included as an addendum to the finding. The written response shall be provided to the administrator of the accused prior to the administrator taking administrative or disciplinary action. The written response shall be reviewed by the administrator prior to any pre-determination meeting.

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.~~

~~5.—,,{~~

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~~

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~~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
- 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

APPROVED and ADOPTED this ____ day of _____, 2024.

SALT LAKE COUNTY COUNCIL

By _____
Laurie Stringham, Chair

ATTEST:

Lannie Chapman, County Clerk

Voting:
Council Member Alvord _____
Council Member Bradley _____
Council Member Bradshaw _____
Council Member Granato _____
Council Member Harrison _____
Council Member Theodore _____
Council Member Stewart _____
Council Member Stringham _____
Council Member Winder Newton _____

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