

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

Purpose

This policy provides the rules, regulation, and procedure 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 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), marital status, and military or veteran status. Violation of this policy may result in discipline including termination.

II. Procedures

- A. Salt Lake County does not tolerate harassment, discrimination, 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.
 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.
 2. **Discrimination:** Any adverse employment action taken where a discriminatory reason was a motivating factor.
 3. **Retaliation:** An adverse employment action, or credible threat of an adverse employment action, taken against an employee where participating in a protected activity was a motivating factor.
- B. Salt Lake County is an “Equal Opportunity Employer” committed to nondiscrimination in all employment-related practices.
 1. Administrators, managers, and supervisory personnel are required to take appropriate action to ensure all employment-related practices are nondiscriminatory.
- 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 have the right to file a complaint. The complaint should be filed as soon as reasonably practicable.
 2. A complaint alleging harassment, discrimination or retaliation may be filed:
 - a. by any individual who believes they have been subjected to harassment, discrimination, or retaliation; 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

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- e. Any County Council member/designee.
- 4. Anyone listed above receiving a complaint shall contact the EEO Manager/designee as soon as reasonably practicable.
- D. A complaint filed against an Elected Official may be referred to 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, or retaliation.
 - 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, discrimination, and retaliation and are to intervene immediately where appropriate.
- F. Duties of the EEO Manager/designee
 - 1. The EEO Manager/designee shall determine the appropriate level of review.
 - 2. The EEO Manager/designee shall make all findings within a reasonable period of time.
 - 3. The EEO Manager/designee shall provide the accused with the allegations and an opportunity to respond prior to the completion of the review.
- G. EEO Findings
 - 1. The EEO Manager/designee may prepare a report depending on the level of review.
 - 2. If a report is prepared, it shall be provided to the complainant, the accused, and the Administrator of the accused.
 - 3. The Administrator shall take administrative or disciplinary action when the findings of a 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.

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

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

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

**Reviewed and Advised as to
Legality and Form**
Salt Lake County
District Attorney's Office



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 _____