

YAKIMA COUNTY
NON-DISCRIMINATION AND ANTIHARASSMENT POLICY
Policy No. HR-003

I. PURPOSE

The purpose of this policy is to provide guidelines to elected officials, county employees and members of the public to help ensure equal access to County services and employment opportunities regardless of a person's age, color, creed, sensory, mental or physical disability, genetic information, marital status, national origin, political belief, race, religion, sex, sexual orientation, and military status, or any other protected status under federal or state statute. Additionally, the policy provides guidelines for identifying, reporting, and resolving claims of discrimination or related retaliation. This policy supersedes all previous nondiscrimination and sexual harassment policies issued by Yakima County.

II. NONDISCRIMINATION

It is the policy of the Board of Yakima County Commissioners to actively promote its commitment to nondiscrimination and equal opportunity. The County will widely distribute its Nondiscrimination Policy Handbook to recruiting sources, organizations representing protected groups, vendors, suppliers, contractors, community based organizations, service organizations, community leaders, secondary and post-secondary schools, and other governments. The handbook will be distributed on a continuing basis as appropriate individuals and entities are identified.

The County will incorporate appropriate nondiscrimination language in all its contracts and collective bargaining agreements. The words "Equal Opportunity Employer Minorities, Females, Protected Veterans and the Disabled are encouraged to apply" will be included on employment applications and recruitment materials.

The County will also incorporate the following language into all personal service agreements/contracts:

“The Contractor shall abide by the requirements of 41 CFR §§ 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals on the basis of protected veteran status or disability, and require affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans and individuals with disabilities.”

The availability of these materials in alternative format and the County's nondiscrimination policy will be posted on County bulletin boards and other areas designated for posting general information.

To further promote the Board of County Commissioners' commitment to nondiscrimination, the County will conduct periodic meetings with executive, management, and supervisory personnel to explain the intent of the nondiscrimination policies and to clarify management's responsibility for effective implementation. Nondiscrimination policies will be thoroughly discussed in new

employee orientation sessions and in all management training programs. The County's policies and equal opportunity obligations will be discussed in each collective bargaining process and appropriate language will be included in each collective bargaining agreement.

EQUAL OPPORTUNITY FOR PERSONS WITH DISABILITIES

It is the policy of Yakima County to guarantee equal opportunity to persons with disabilities to participate in and enjoy the benefits of County services, programs and activities, and to allow disabled employees a bias free work environment. The County, upon request, will provide reasonable accommodation in compliance with the Americans with Disabilities Act (ADA). Complaints that a program, service or activity of Yakima County is not accessible to persons with disabilities should be directed to the Yakima County ADA Coordinator in the Human Resources Department.

Yakima County is committed to providing accessible facilities for public meetings and general public use. Auxiliary aids and services (such as interpreters, readers, assistive listening devices, text telephones, large print materials, audio tape, help in filling out forms, and other similar services and actions) will be provided for County sponsored activities if such can be made available without undue hardship to the County. County staff will be trained in the use of appropriate auxiliary aids and assistive services. Upon receiving a request for auxiliary aids or services, the preference of the person with a disability will be given primary consideration.

Yakima County is committed to providing equal opportunities for County employees with disabilities. Every reasonable effort will be made to create an accessible work environment, including removing architectural barriers, restructuring jobs, modifying work schedules, providing assistive devices, modifying examinations, training materials or policies, and providing qualified readers, writers or interpreters. To the extent possible, employment practices will be administered to allow a person with a disability to participate at the same level as a person without a disability.

Yakima County is committed to providing equal opportunity for persons with disabilities seeking employment with the County or appointment to County boards and commissions. Every reasonable effort will be made to create an accessible hiring or selection process and a working environment for board and commission members that will allow a person with a disability to participate at the same level as a person without a disability. Board and commission meetings will be held in accessible locations.

All future construction and renovation of County-owned buildings and facilities will be carried out in accordance with Washington State Barrier-Free Code regulations and ADA Accessibility Guidelines (ADAAG).

HIV/AIDS

It is the policy of Yakima County to ensure equal opportunity in employment practices and delivery of services for persons who have AIDS, are perceived to have AIDS, are related to or reside with someone with AIDS, have tested positive for the HIV antibody, or are perceived to be at high risk for contracting HIV.

EFFECTIVE COMMUNICATION

It is the policy of Yakima County to ensure that its communication with persons with disabilities and persons with limited English proficiency is as effective as its communication with others. To foster the equitable delivery of County services, the County will accommodate the communication needs of its citizens unless such action would result in a fundamental alteration in the nature of its services, programs, or activities, or cause undue hardship.

Effective communication with persons with disabilities may require accommodation that includes appropriate auxiliary aids and services, such as:

- For persons who are deaf or hard of hearing: qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's) or relay services, videotext displays, and exchange of written notes.
- For persons with vision impairments: qualified readers, taped texts, audio recordings, brailled materials, large print materials, and assistance with locating items.
- For persons with speech impairments: TDD's or relay services, computer terminals, speech synthesizers, and communication boards.

Persons with disabilities may request the auxiliary aids and services of their choice and Yakima County will give their request primary consideration. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of Yakima County, should contact the Yakima County ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

Effective communication with persons with limited English speaking skills may require accommodation that includes the assistance of qualified interpreters and translators in the preferred language of the requestor.

EQUAL EMPLOYMENT

It is the policy of Yakima County to ensure equal employment opportunity for all employees and applicants for employment. This policy includes a commitment to promote and afford equal treatment and services to all members of the public and County employees and to ensure equal employment opportunity based on qualifications and ability to perform the work.

The goals of this policy are to:

1. Ensure fair treatment and nondiscrimination in County hiring, County employment, and in appointments to and service on County boards and commissions.
2. Ensure compliance with State and Federal equal opportunity requirements and regulations.
3. Provide a basis for encouraging those who do business with the County to practice equal employment opportunity.

REASONABLE ACCOMMODATION

It is the policy of Yakima County to make reasonable accommodation for the known physical and mental limitations of otherwise qualified applicants and employees. Reasonable accommodation may include removing architectural barriers; restructuring jobs; modifying work schedules; providing assistive devices; modifying examinations, training materials or policies; and providing qualified readers, writers or interpreters. It is the responsibility of the person with the disability to disclose the existence of the disability if reasonable accommodation is requested.

A disabled applicant seeking an accommodation during the recruitment process must submit a request to the ADA Coordinator in the County Human Resources Department. A disabled employee may notify a direct supervisor, manager, or department head/elected official of a need for accommodation, but the request must also be submitted in written form to the ADA Coordinator within 3 business days of the original request for accommodation.

The affected department will consult with the requesting person throughout the process of deciding which form of accommodation is most feasible. Assistance from the ADA Coordinator may be requested by the department at any time during the process of reviewing an accommodation request. Every effort will be made to find an accommodation that allows a person with a disability to participate at the same level as a person without a disability. If an agreement on a reasonable accommodation is reached between the affected department and the disabled individual, the department will document the reasonable accommodation that was made, in writing, and provide a copy of the accommodation documentation to the Human Resources Department. If the requesting party and the department are unable to agree on a reasonable accommodation, the department head/elected official of the affected department must contact the ADA Coordinator in the Human Resources Department for assistance in the accommodations process.

If the department is not able to make an accommodation because it would require a fundamental change in the nature of its service, or cause an undue financial or administrative hardship, it will forward its decision and justification to the Director of Human Resources where the decision will be reviewed. Assistance may be sought from the Prosecutor's Office or other expert resources, such as Facilities or a community organization, as appropriate. If the review confirms that accommodation is not feasible, the requesting party will be notified in writing of the denial of the request for accommodation and the reasons for the denial. The County will document its efforts to make accommodation and justify its reasons for not doing so.

III. ANTIHARASSMENT

Yakima County is committed to providing a workplace that is free of verbal, physical and visual forms of harassment so that everyone can work in a productive, respectful and professional environment.

Harassment in employment based on sex, race, national origin, religion, age, disability, sexual orientation, veteran status, or any other basis prohibited by local, state or federal law is strictly prohibited. Yakima County does not tolerate discriminatory harassment by anyone in the workplace – supervisors, co-workers or non-employees.

Discrimination can occur if a behavior or conduct is directed at another because of a person's sex, race, national origin, religion, age, disability or other protected status. Such behavior is considered harassment if it is unwelcome and so pervasive or severe that it interferes with an employee's work or creates an intimidating, hostile, or offensive work environment.

Examples of discriminatory harassment can include, but are not limited to:

- Memos, e-mails, cartoons, or other visual displays of objects, pictures or posters that depict such protected groups or individuals in a derogatory way; or
- Verbal conduct, including making or using derogatory comments, epithets, slurs and jokes towards protected individuals or groups.

Sexual Harassment is a form of discriminatory harassment. Sexual Harassment includes harassment of another employee of the same gender as the harasser. It is generally defined as unwelcome sexual advances, requests for sexual favors, or other visual, verbal, or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct affects employment opportunities; or
- The conduct unreasonably interferes with an employee's work.

Examples of Sexual Harassment include, but are not limited to, the following types of behavior:

- Unwelcome sexual advances, like request for dates or propositions for sexual favors;
- Excessive, one-sided, romantic attention in the form of love letters, telephone calls, e-mails, or gifts;
- Offering or conditioning an employment benefit, like a raise, a promotion or a special job assignment, in exchange for sexual favors;
- Making or threatening reprisals, or changing performance expectations after an employee has turned down a sexual advance;
- Leering, making sexual gestures, or displaying sexually suggestive or graphic materials in the workplace;
- Graphic verbal or written comments about an individual's sex life or body, sexually degrading words used to describe an individual, or suggestive or obscene letters, e-mails, notes or invitations; and
- Unwelcome physical contact, including pats, hugs, brushes, touches, shoulder rubs, assaults, or impeding or blocking movements.

Yakima County is committed to taking reasonable steps to prevent harassment from occurring and will respond quickly to reported or observed behaviors that are potentially discriminatory in nature. Employees found to be in violation of this policy shall be subject to disciplinary action.

IV. EMPLOYEE RESPONSIBILITIES

Each employee is responsible for supporting and adhering to this policy. It is the responsibility of all County employees to bring instances of inappropriate behavior to the attention of the County

Human Resources Department. This includes employees who believe they are the recipient of discriminatory behavior as well as those who believe they have witnessed such behavior directed at another employee. Employees should never tolerate inappropriate or harassing behavior. If possible, they should make their feelings known to the offending employee. Whether they confront the harasser or not, employees *must* promptly report any offending behavior to their department head or elected official and the County Human Resources Department. If the department head or elected official is the alleged harasser, employees must report the offending behavior to the Prosecuting Attorney's Corporate Counsel Division. Employees are strongly encouraged to report concerns about discrimination or harassment before behaviors become severe or pervasive. This will assist the County in its efforts to stop discrimination or harassment before it rises to the level of a violation of anti-discrimination laws.

V. SUPERVISOR/MANAGEMENT RESPONSIBILITIES

When a supervisor, manager, department head or elected official suspects or has reason to believe that discriminatory behavior has occurred, he or she shall immediately notify the Director of Human Resources or the Office of the Prosecuting Attorney and report the incident.

VI. COUNTY RESPONSIBILITIES

The Human Resources Department, in conjunction with the Prosecuting Attorney's Office, will promptly and thoroughly investigate all reports of discrimination or harassment. Complaints against either the Human Resources Department or the Prosecuting Attorney's Office will be investigated by a non-county agency. Complaints of discrimination and harassment will be handled with sensitivity, discretion, and confidentiality to the extent allowed by the circumstances and the law. After the investigation is completed, the County will share its findings with the complaining employee(s), the accused harasser(s), and if appropriate, with other individuals directly concerned with the incident.

If the County concludes that a violation of this policy occurred, prompt and effective remedial action will be taken. This may include discipline and/or other actions to remedy the effects of the discrimination and prevent further incidents.

No adverse action will be taken against any employee who, in good faith, files a complaint of discrimination or harassment or who assists in the investigation of such a complaint by providing information.

VII. COMPLAINT PROCEDURE

Any person may file a complaint under this policy when the person believes:

- he or she has been the target of discrimination;
- he or she has personal and first-hand knowledge of discriminating behavior that has been directed at another employee or member of the public; or
- he or she has been retaliated against for having reported discriminating behavior or participated in an investigation of a complaint.

A complaint must be filed in writing within 180 days of the alleged violation of this policy. The complaint should include a description of the alleged violation, the date it occurred, and the name, signature, address and phone number of the person filing the complaint. The complaint must include sufficient information to allow the Human Resources Department to determine the substance of the complaint.

Technical assistance will be provided to any complainant who needs assistance in filing a complaint. Complaints should be addressed to:

Director of Human Resources
Yakima County Courthouse
128 North 2nd Street, Rm B27 or
Yakima, WA 98901
(509) 574-2210

Yakima County Prosecuting Attorney
Yakima County Courthouse
128 North 2nd Street, Rm 329
Yakima, WA 98901
(509) 574-1210

In addition to filing a complaint with Yakima County, an individual may file a written complaint within 180 days of the alleged violation with the Washington State Human Rights Commission, the Equal Employment Opportunity Commission, the Office of Civil Rights, or any other appropriate civil rights enforcement agency. Employees are encouraged to exhaust administrative remedies outlined in this policy before outside agencies are consulted. The complainant's right to a fair and timely resolution of the complaint will not be impaired by the complainant's pursuit of other remedies. Furthermore, the use of the County complaint procedure is not a prerequisite to the pursuit of other remedies.

Provisions of this policy shall be followed, unless they conflict with negotiated labor contracts which will take precedence to the extent applicable.

Adopted Copy Available at
Yakima County Human Resources
128 N. 2nd Street, Room B27
Yakima, WA 98901

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I have received a copy of the Non-discrimination and anti-harassment policy (Policy) on this date.

I agree to read the Policy and follow the policy during my employment with Yakima County. If the Policy is unclear to me, I will be responsible for seeking clarification.

I understand that Yakima County reserves the right to modify, revoke, suspend, terminate or change this Policy in whole, or in part, at any time and without prior notice. In that case, changes will be communicated to me.

Name: _____
Printed

Signature: _____

Date: _____