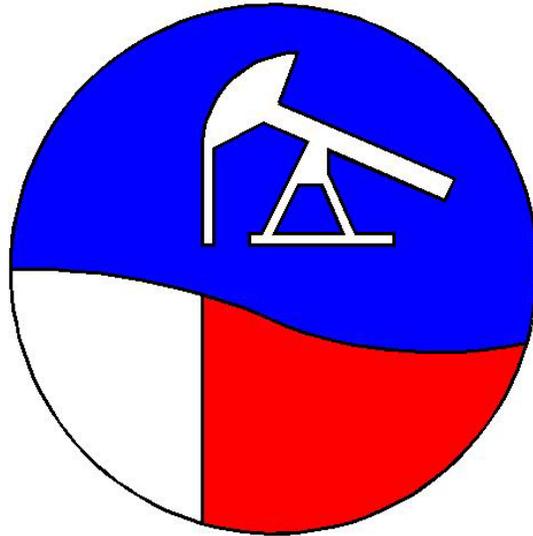


ECTOR COUNTY, TEXAS



ANTI-DISCRIMINATION AND HARASSMENT POLICY

ADOPTED BY

**ECTOR COUNTY
COMMISSIONERS COURT
FEBRUARY 9, 2015**

ECTOR COUNTY ANTI-DISCRIMINATION AND HARASSMENT POLICY

Ector County (the County) is committed to providing a professional work environment that maintains employee equality, dignity, and respect. In keeping with this commitment, the County strictly forbids unlawful discriminatory and harassing practices relating to an individual's race, color, religion, national origin, ethnicity, disability, genetic information, age, sex or any legally protected characteristic. Prohibited discrimination or harassment based on sex includes pregnancy discrimination, care-giver discrimination and gender stereotyping. Employees who have made complaints of discrimination, harassment or other protected complaints may not be harassed in retaliation for their complaints. Any discrimination or harassment prohibited by this Policy is unacceptable and will not be tolerated, whether it occurs in the workplace or outside of the workplace.

Discrimination or harassment of our employees in connection with their work by non-employees may also be a violation of this Policy. In addition to our policy of prohibiting unlawful discrimination and harassment of employees, Ector County prohibits discrimination and harassment of, or by, job applicants, contractors and visitors.

I. DISCRIMINATION:

The County will not tolerate discrimination and is committed to providing equal employment opportunity for all qualified applicants and current employees without regard to race, color, religion, national origin, ethnicity, disability, genetic information, age, sex or any legally protected characteristic. Prohibited discrimination based on sex includes pregnancy discrimination, care-giver discrimination and gender stereotyping. This Policy applies to all terms and conditions of employment, including, but not limited to, application, testing, recruitment, hiring and placement, discipline, assignments, evaluations, benefits, promotion, transfer, compensation, leaves of absence, training, termination, layoff, reorganization of the departments and recall.

II. HARASSMENT :

Hostile Work Environment – The County will not tolerate harassment of any kind. Conduct will be considered harassment if it creates an intimidating, hostile, or offensive working environment, interferes with an employee's work performance, or otherwise adversely affects an individual's employment opportunities. The prohibited conduct can be verbal, physical, visual or physiological ("Conduct"). Conduct will be considered harassment if it demeans or shows hostility toward an individual because of that individuals' race, color, religion, national origin, ethnicity, disability, genetic information, age, sex or any legally protected characteristic. While harassment that creates a hostile work environment

encompasses a wide range of Conduct, some examples of specifically prohibited conduct include:

- Race / National Origin example – joking with a co-worker about their Spanish language accent or asking them to speak English only;
- Race / National Origin / Religion / Gender/ disability example – having a screen saver on your computer, telling jokes, or making offensive comments that could be interpreted by a co-worker as offensive to their race, national origin, religion, gender or disability; or
- Race/ National Origin example – telling jokes in the office about immigrants coming into the country from Mexico or South America, or forwarding e-mails with these kinds of jokes, or Facebook posts with comments from co-workers with these kinds of jokes;

Sexual Harassment that creates a Hostile Work Environment – while any of the above examples can be applied to gender discrimination or harassment, sexual harassment involves unwanted conduct based on sex. Some examples of sexual harassment include:

- Engaging in sexually suggestive physical contact or touching another employee in a way that is unwelcome;
- Displaying, storing, or transmitting pornographic or sexually-oriented material using County equipment or facilities, except in relation to the duties of employees involved in an investigation or service regarding a matter that may include sexually explicit materials or of a sexually explicit nature;
- Engaging in indecent exposure;
- Making sexual or romantic advances toward an employee and persisting despite the employee's rejection of the advances;
- A pattern of conduct which causes discomfort or humiliation, or both, that includes one or more of the following: (i) comments of a sexual nature; or (ii) sexually explicit statements, questions, jokes or anecdotes; or
- A pattern of conduct that would discomfort or humiliate, or both, a reasonable person at whom the Conduct is directed that includes one or more of the following: (i) unnecessary touching, patting, hugging, or brushing against a person's body; (ii) remarks of a sexual nature about a person's clothing or body; or (iii) remarks about sexual activity or speculations about previous sexual experience;

Gender Stereotyping Sexual Harassment – gender stereotyping harassment is Conduct that is based on perceived gender stereotypes. This can be same sex harassment or harassment by the opposite sex. Examples of such harassment includes:

- Comments to women that women are supposed to be dressed in certain feminine ways or behave in certain feminine ways; or
- Comments to men that men are supposed to behave in certain masculine ways or dress in certain masculine ways.

Care-Giver Sexual Harassment – care-giver harassment involves conduct that creates a hostile environment towards an individual because they have care-giver duties. Examples of care-giver harassment includes:

- Comments to women or to men that they do not have time to apply for a promotion due to the time they need to spend with their children or their ageing parent.

Quid Pro Quo Sexual Harassment is a form of sex discrimination that occurs when an employee is subject to unwelcome sexual advances in exchange for retaining or gaining certain job opportunities or terms or conditions of employment. Examples of quid pro quo sexual harassment include:

- Promising, directly or indirectly, an employee a reward, if the employee complies with a sexually-oriented request;
- Threatening, directly or indirectly, to retaliate against an employee, if the employee refuses to comply with a sexually-oriented request; or
- Denying, directly or indirectly, an employee an employment-related opportunity, if the employee refuses to comply with a sexually-oriented request.

Harassment Prohibited – An aggregation of a series of incidents can constitute harassment even if one of the incidents considered on its own would not be harassing. While harassment is legally defined as, “unwelcome Conduct that is so severe and pervasive so as to alter the terms, conditions or privileges of employment,” County employees will be subject to disciplinary action, up to and including, termination of employment, for isolated incidents even if they don’t rise to the level of legal harassment. No harassment or discrimination will be tolerated by Ector County.

Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on County premises and whether or not the incidents occur during working hours.

III. REPORTING REQUIRED:

If employees believe that they have been subject to discriminatory conduct, harassment, sexual harassment or any unwanted sexual attention, they should:

- Make it known to the harassing/discriminating individual(s) that their actions are not welcome and that they do not want the behavior to continue.
- Report the incident to the County Human Resources (“HR”) Director or the Department Head or both.

All incidents of discriminatory conduct or harassment must be reported, regardless of their seriousness. In addition, any employee who witnesses any Conduct that could be perceived as offensive, hostile or harassing should report the Conduct witnessed to the County HR Director or the Department Head or both.

IV. CONFIDENTIALITY:

If a report of possible discriminatory or harassing conduct is made, the County will have an investigation conducted by the HR Director or by an outside investigator. The County will keep all inquiries, complaints, and investigations confidential to the greatest extent permissible by law and within the exceptions of the Public Information Act to the extent that any may apply. Information is revealed strictly on a need-to-know basis in order to conduct the investigation and to implement remedial action in the department to stop the offensive environment, if any is determined necessary. Employees involved in the investigation may be requested to maintain the confidentiality of the investigation while the investigation is ongoing; however, no employee will be prohibited from openly opposing acts of discrimination or harassment.

V. DISCIPLINE:

The accused harasser may be put on paid administrative leave in accordance with the County’s Leave of Absence Policy. If an investigation results in a finding that this Policy has been violated, the accused harasser will be subject to disciplinary action, up to and including, termination of employment. Persons who violate this Policy also may be subject to civil damages or criminal penalties.

IV. OTHER AVAILABLE PROCEDURES:

The procedures available under this Policy do not preempt or supersede any legal procedures or remedies otherwise available to the County or to a victim of discrimination or harassment under state or federal law.

**POLICY APPROVED
AND ADOPTED BY:
DATE:**

**ECTOR COUNTY COMMISSIONERS COURT
FEBRUARY 9, 2015**