Policy 20: Equal Opportunity & Code of Conduct

Equal Employment Opportunity

The County of McHenry is an Equal Opportunity Employer and complies with all applicable Federal, State and local laws regarding employment.

It is the policy and practice of the County of McHenry to afford equal opportunity in all personnel practices to all employees and applicants for employment. This policy and practice prohibits discrimination on the basis of race, color, religion, sex, marital status, age, national origin, ancestry, sexual orientation, qualified physical or mental disability unrelated to job requirements unfavorable discharge from the military (except dishonorable), or otherwise unlawful bases in accordance with applicable law. All personnel decisions will be based on the individual's qualifications for the job in question.

Americans with Disabilities Act (ADA)

1. It is the policy of the County of McHenry to comply with all provisions of the American with Disabilities Act (ADA). The County will not discriminate against any qualified employee or job applicant with respect to any term or condition of employment based on a physical or mental disability. If an individual is qualified to perform the essential and fundamental functions and duties associated with a job, the County will make reasonable accommodations as necessary for applicants and employees with disabilities, provided that such accommodations do not pose a threat to safety or cause an undue hardship or expense to the County.

Sexual Harassment

1. The County of McHenry is committed to providing a workplace that is free from all forms of discrimination. Accordingly, the County intends to enforce a Sexual Harassment Policy at all levels within the workplace in order to create an environment free from discrimination of any kind, including sexual harassment. While the policy below is written with express reference to Sexual Harassment, to the extent applicable, the policy applies to other forms of prohibited harassment, including harassment based upon race, religion, disability, and sexual orientation.
2. Sexual harassment according to the Equal Employment Opportunity Commission and the Illinois Department for Human Rights, and for purposes of this policy, consists of unwelcome sexual advances, requests for sexual favors, other verbal, nonverbal or physical acts of a sexual or sex-based nature, where:
    A. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
    B. an employment decision affecting an employee is based on that individual's acceptance or rejection of such conduct, or
    C. Such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.
3. Sexual harassment can occur between men and women or between members of the same gender. This behavior is unacceptable in the workplace itself and in other work- related settings such as business trips, court appearances, and business-related social events.
4. It is also unlawful to retaliate in any way against anyone who has complained about harassment or discrimination, whether that concern relates to harassment of or

discrimination against the individual raising the concern or against another individual.

5. Harassment affects the victim and other employees as well. Each incident of harassment contributes to a general atmosphere in which everyone suffers the consequences. Sexually oriented or sex-based conduct has no legitimate business purpose. Where such conduct is directed by a supervisor (or someone in a higher management position) toward a subordinate, the former will be held to a higher standard of accountability because of the degree of control and influence he or she has or is perceived to have over the employment conditions and benefits of the subordinate.

Prohibited Conduct:

1. Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity or contact to physical contact. At times the offender may be unaware that his or her conduct is offensive or harassing to others.
2. Examples of conduct which could be considered sexual harassment include:
   A. persistent or repeated unwelcome flirting, pressure for dates, sexual comments, or touching,
   B. sexually suggestive jokes, gestures, or sounds directed toward another or sexually oriented or degrading comments about another,
   C. preferential treatment of an employee, or a promise of preferential treatment to an employee, in exchange for dates or sexual conduct; or the denial or threat of denial or employment, benefits, or advancement for refusal to consent to sexual advances,
   D. the open display of sexually oriented pictures, posters, calendars, reading materials, or other material offensive to others; and
   E. Retaliation against an individual for reporting or complaining about harassing conduct.

Complaint Process:

1. While it may be appropriate in some circumstances for individuals who believe they are being harassed to notify the offender that the behavior is unwelcome firmly and promptly, it is also recognized that power and status disparities between an alleged harasser and a target may make such a confrontation impossible or unlikely. In the event that informal, direct communication with the offender has not resulted in a cessation of the harassment, or that such confrontation is not taken by the alleged target, then the following steps should be taken to report a sexual harassment complaint.
2. Any employee who feels that they are the victim of sexual harassment or any employee who becomes aware of a sexual harassment situation shall immediately notify and then make a written complaint of any suspected harassment to the Director of Human Resources or the Human Resource Analyst as well as to their immediate supervisor/Department Head or the person designated as an EEO Officer in the department.
3. When a written complaint has been provided, an investigation of the reported harassment will be promptly initiated and at the completion of the process, the complaining party will be advised of the results of the investigation and corrective action, if any is found to be appropriate, taken. The County may take reasonable

interim measures during the pendency of an investigation, including requiring reassignment or a leave of absence of one or more employees.

4. Employees who report incidents of harassment are encouraged to keep written notes in order to accurately record the offensive conduct.

Confidentiality:

1. Although complete confidentiality in an investigation of discrimination or harassment cannot be assured, the County will attempt to preserve confidentiality to the extent possible without compromising its commitment to enforcing this policy.
2. Further, in the event of a civil complaint or lawsuit, however, records of the County and the complainant may not be considered privileged from disclosure.

Discipline and Sanctions:

1. The County will neither retaliate against an individual who reports harassment nor permit any employee to do so. Retaliation is a serious violation of this non-discrimination and harassment policy and should be reported immediately. Any employee found to have retaliated against another individual for reporting harassment will be subject to the same disciplinary action provided for the harassment offenders.
2. Disciplinary action will be taken against any employee found to have engaged in the harassment of any person in violation of this policy. The extent of sanctions will depend upon the nature of the offense. The County has the right to apply any sanction or combinations of sanctions, up to and including termination.
3. Where a hostile work environment has been found to exist, the County will take all reasonable steps to eliminate the conduct creating such environment.
4. If an investigation results in a finding that the complainant knowingly or in a malicious manner falsely accused another of sexual harassment, the complainant will be subject to appropriate sanctions, including the possibility of termination.

Non-Discrimination/Anti-Harassment

1. The County of McHenry is committed to maintaining an environment free from discrimination, harassment, and inappropriate or offensive conduct. Employees shall not make any statements or engage in any conduct that discriminates, harasses, embarrasses, humiliates, or ridicules any other person on account of race, age, gender, religion, national origin, sexual preference, disability, veteran or military discharge status, or membership in any other legally protected category. Even when such discriminatory or harassing speech or conduct is not sufficiently severe or pervasive to create legal liability, all such speech and behavior in the workplace is prohibited.
2. All County employees have the responsibility to conduct themselves in compliance with this policy and to report any observations of conduct inconsistent with this policy.
3. Any employee who believes he or she has been subjected to any form of harassment is expected to report the circumstances to their Department Head and/or the Director of Human Resources so that prompt preventative and corrective action may be taken.

4. Harassment should be reported even if the source of the harassment is not an employee of the County of McHenry.
5. If a subordinate indicates to his or her supervisor that he or she has been subjected to harassment or has witnessed or otherwise has knowledge of such conduct, the supervisor must report the matter immediately to their Department Head and/or the Director of Human Resources.
6. All complaints of harassment will be promptly investigated, and corrective action will be taken as deemed appropriate under the circumstances. Violation of this policy may subject an employee to disciplinary action, up to and including termination.