

## VI. APPENDIX A

DHS policies are posted on our website and can be accessed at:  
<http://www.dhs.state.or.us/policy/admin/hrlist.htm>

The DHS policy and procedures prohibiting Non-discrimination against individuals with disabilities is posted on the DHS Website and can be found at: [http://www.dhs.state.or.us/policy/admin/exec/010\\_005.htm](http://www.dhs.state.or.us/policy/admin/exec/010_005.htm)

DHS policies related to Gender-specific services are posted on our Website:  
[http://www.dhs.state.or.us/policy/admin/exec/010\\_004.htm](http://www.dhs.state.or.us/policy/admin/exec/010_004.htm)

The DHS Harassment-Free Workplace Policy can be found on our Website:  
<http://egov.oregon.gov/DAS/HR/docs/advice/P5001001.pdf>

DHS Reasonable Accommodation Policy:  
[http://www.dhs.state.or.us/policy/admin/hr/060\\_034.htm](http://www.dhs.state.or.us/policy/admin/hr/060_034.htm)

Reasonable Accommodation procedure for employees:  
[http://www.dhs.state.or.us/policy/admin/hr/060\\_034\\_02.htm](http://www.dhs.state.or.us/policy/admin/hr/060_034_02.htm)

Reasonable Accommodation procedure for job applicants:  
[http://www.dhs.state.or.us/policy/admin/hr/060\\_034\\_02.htm](http://www.dhs.state.or.us/policy/admin/hr/060_034_02.htm)

DHS Training plan:  
<http://www.dhs.state.or.us/training/publications/DHSTrainingPlan.pdf>

Accommodations for Training:  
[http://www.dhs.state.or.us/policy/admin/hr/060\\_034\\_04.htm](http://www.dhs.state.or.us/policy/admin/hr/060_034_04.htm)

Veteran's Preference in Employment (105-040-0015):  
[http://arcweb.sos.state.or.us/rules/OARS\\_100/OAR\\_105/105\\_040.htm](http://arcweb.sos.state.or.us/rules/OARS_100/OAR_105/105_040.htm)

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|----------------|------------------------------------|----------|------------|-----------------|------------|
| Policy Title:  | <b>Harassment – Free Workplace</b> |          |            |                 |            |
| Policy Number: | <b>DHS-060-013</b>                 | Version: | <b>3.0</b> | Effective Date: | 09/22/2006 |

Approved By: *DHS Chief  
Administrative Officer*

Approved Date:  
*09/21/2006*

## Overview

**Description:** It is the policy of DHS to provide a work environment free from behavior, action, or language, which may be perceived by others as hostile, intimidating, or abusive.

**Purpose/Rationale:** Reaffirms the policy of DHS to prohibit discrimination and workplace harassment; to clarify conduct that constitutes workplace harassment; and to provide an effective complaint procedure for employees who believe they have been victims of prohibited conduct.

**Applicability:** The policy is intended for all DHS staff members, customers or clients of the agency, contractors and visitors to the work site.

**Failure to Comply:** Failure to comply with this policy may result in disciplinary action up to and including dismissal from state service. Managers and supervisors who know or should know of conduct in violation of this policy and who fail to report such behavior, or fail to take prompt, appropriate, corrective action, are subject to disciplinary action up to and including dismissal from state service.

# Policy

## General

All DHS staff are expected to provide a work environment free from behavior, action, or language, which may be perceived by others as hostile, intimidating, or abusive. The purpose of this policy is to prohibit discrimination and workplace harassment; to clarify conduct that constitutes workplace harassment; and to provide an effective complaint procedure for employees who believe they have been victims of prohibited conduct.

### 1. Discrimination

- a. It is the policy of DHS to provide a work environment free from unlawful discrimination on the basis of race, color, religion, sex, marital status, national origin, disability, age, union membership and activity, sexual orientation, or any other factor that an employer is prohibited by law from considering when making employment decisions. This policy applies to all matters relating to hiring, firing, transfer, promotion, benefits, compensation, performance management, and other terms and conditions of employment. Some examples of prohibited behavior, but not an all inclusive list:
  - A. Derogatory remarks, slurs and jokes about a person's national origin, race, color, religion, language, accent, disability or sexual orientation;
  - B. Displays of explicit or offensive calendars, posters, pictures, drawings or cartoons which reflect disparagingly upon a protected class of persons or a particular person;
- b. **Discrimination complaint** : Anyone who is subject to, or aware of, what he or she believes to be employment-related discrimination may file a complaint with his or her immediate supervisor, another manager, or the Office of Human Resources.

The complaint should be written unless the complainant, due to

disability, is unable to file a written complaint. The complaint should be filed with the agency within 30 calendar days of the alleged act. Complaints should include the name of the complainant, the name of the persons alleged to have engaged in the prohibited conduct, a specific and detailed description of the conduct that the employee believes is discriminatory, and a description of the remedy the employee desires.

## 2. **Workplace Harassment**

- a. It is also the policy of DHS that all employees, customers, clients, contractors and visitors to the work site enjoy a work environment that is free from harassing behavior. Employees at all levels of the organization are expected to conduct themselves in a business-like and professional manner at all times and refrain from sexual and other harassment.
- b. **Sexual harassment** is a form of workplace harassment and includes any unwelcome sexual advance, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any of the following exists:
  - A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - B. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, some examples:
    - i. Granting or denying leave requests,
    - ii. Providing or denying promotional opportunities which includes job rotations and developmental assignments,
    - iii. Favorable or unfavorable performance appraisals.
  - C. Such conduct interferes with an individual's work performance or creates an intimidating, hostile, or

offensive working environment, as judged by the reasonable person standard, some examples:

- i. Unwelcome touching or closeness of a personal nature,
- ii. Leaning over too closely,
- iii. Cornering,
- iv. Pinching,
- v. Sexual innuendoes,
- vi. Teasing and other sexual talk such as jokes, intimate inquiries,
- vii. Persistent unwanted courting and sexist put-downs or insults.

D. The employer is liable for workplace harassment regardless of whether the employer knew or should have known of the offensive conduct, unless the employer proves:

- i. The employer exercised reasonable care to prevent and promptly correct any harassing behavior;
- ii. The complainant unreasonably failed to take advantage of any preventative or corrective opportunities provided by the employer or to avoid harm otherwise;

c. **Harassment complaint** : Anyone who is subject to or is aware of harassing behavior should report that information immediately to DHS management. If at all possible, the report should be made before the behavior becomes severe. The report may be made verbally or in writing to the employee's immediate supervisor, another manager, or the Office of Human Resources.

All supervisors or managers will report complaints and incidents immediately to the Office of Human Resources.

### **3. Investigation**

- a. Any person who receives a report of discrimination or harassment shall promptly forward the reported information to the Office of Human Resources. The Office of Human Resources will coordinate the department's investigation. This may or may not include consultation with the affected employee's supervisors depending on who is alleged to be the perpetrator. The complaint will be given prompt and thorough attention with an impartial investigation. If the complaint is substantiated, immediate and appropriate corrective action will be taken. The affected parties shall be informed that the investigation has concluded and that immediate appropriate corrective action will be taken.
- b. All DHS staff members can be assured that complaints will be taken seriously and will be investigated. Complaints will be dealt with in a discrete and confidential manner to the extent possible.
- c. DHS staff members bringing forward complaints may request a union steward be present during this process. Time spent by the union steward will be during their regular work schedule.

### **4. No retaliation**

This policy prohibits retaliation against employees who bring charges of conduct in violation of this policy or assist in investigating charges, or who report harassing behavior directed at persons other than the employee. Any employee found to have engaged in retaliatory action or behavior will be subject to discipline, up to and including dismissal from state service.

### **5. Alternative appeal processes**

Nothing in this process precludes any person from filing a formal grievance in accordance with a collective bargaining agreement or with the Bureau of Labor and Industries (BOLI) or the Equal

Employment Opportunity Commission (EEOC). Timelines for filing complaints with BOLI and the EEOC are different from those established in this policy. Contact BOLI and EEOC directly for specific guidance on filing a formal grievance.

## **Reference(s)**

- DAS Harassment-Free Workplace Policy 50.010.01
- ORS 240.086(1); 240.145(3); 240.250; 240.316(4); 240.321; 240.555; 240.560; 659A.030(1)
- Title VII, Civil Rights Act of 1964;
- Executive Order EO-93-05