



Respectful Workplace Policy 6.30

Board Approval Date: 06-07-2011

Supersedes Policy Dated: 02-08-2000

Policy

It is the policy of Winona County to maintain a respectful workplace and public service environment free from violence, discrimination, harassment, and other offensive or degrading remarks or conduct. Winona County will not tolerate such behavior by or towards any employee.

Preserving a respectful environment in which to work is a shared responsibility of both management and employees of Winona County. This policy is intended to protect both County employees and members of the public.

Offensive conduct, harassment, and violence based on race, color, creed, national origin, gender, religion, disability, age, marital status, status with regard to public assistance, or sexual orientation will also not be tolerated. The County also prohibits any form of religious, racial, sexual, gender, marital status, age, national origin, status with regard to public assistance, sexual orientation, or disability discrimination, harassment, and violence.

Categories of Disrespectful Behavior

Violent behavior includes the use of physical force, harassment, intimidation, or abuse of power or authority when the behavior causes pain, fear or hurt.

Discriminatory behavior includes inappropriate remarks about or conduct related to an employee's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, or status with regard to public assistance.

Offensive behavior may include such work-related actions as: rudeness, exclusionary behavior, angry outbursts, inappropriate joking, vulgar obscenities, name calling, disrespectful language, or the intentional filing of an unfounded complaint under this policy.

Harassment is behavior that irritates or torments another persistently. This behavior may imply systematic persecution by besieging with repeated annoyances, threats, or demands. The behavior may be synonymous with badgering, pestering, hounding, or baiting.

Workplace violence is prohibited by this policy. Workplace violence is defined as acts of violence or threats of violence. Acts include use of weapons (other than those which are job specific) of any kind and unwanted physical attack (i.e. pushing, hitting, or throwing objects). Threats include any expression of speech designed to frighten, terrorize or otherwise place a person in fear of bodily injury. These acts include: hitting, shoving, intentional harm or threat to harm, destroying or the threat to destroy property owned, operated or controlled by Winona County, harassing or threatening phone calls, emails, letters, or other forms of communication, harassing surveillance (stalking), carrying weapons (other than those which are job specific).



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This policy encompasses violence by co-workers, violence by public/vendors/clients, and violence by strangers. The County will support criminal prosecution of those who threaten or commit work-related violence against its employees and other visitors to its work environment.

One specific kind of discriminatory and offensive behavior is sexual harassment. Sexual harassment is against both State and Federal law. It is the policy of Winona County to abide by those laws prohibiting sexual harassment, and to maintain an employment atmosphere free of sexual harassment, intimidation or coercion. Winona County will not tolerate sexual harassment of its employees or by its employees.

Definition of Sexual Harassment:

Sexual harassment, as defined in Minn. Stat. 363.01, subd. 41 includes: unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

1. submission to that conduct or communication is made a term or condition, either implicitly or explicitly, of obtaining employment, public accommodations or public services, education, or housing;
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations, or public services, education, or housing; or
3. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment; and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

Behavior prohibited by this policy can include, but is not limited to, unwelcome sexual remarks or compliments, use of offensive or demeaning terms which have sexual connotations, sexual jokes, sexual innuendo or propositions, objectionable physical proximity or physical contact, kissing, touching, and sexual contact.

Examples of sexual harassment would also include:

1. The deliberate or careless dissemination of materials, such as cartoons, calendars, or articles, which have a sexual content, and which are not necessary for the performance of work, to employees who may find such material offensive;
2. Unwelcome suggestions regarding, or unwelcome invitations to, social engagements or work-related social events;



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3. Any indication, expressed or implied, that an employee's job security, job assignment, conditions of employment, or opportunities for advancement depend on or may depend of the granting of sexual favors to any other employee, supervisor, or department head;
4. Any action relating to an employee's job status which is, in fact, affected by the consideration of the granting or refusal of social and/or sexual favors;
5. The deliberation or careless creation of an atmosphere of sexual harassment or intimidation.

Any employee, agent, officer, commissioner, or other elected official of the county found to have acted in violation of this policy shall be subject to appropriate disciplinary action which may include discharge from employment or removal from public office.

The County will investigate all complaints, either formal or informal, verbal or written, of offensive conduct, harassing, or violence of a sexual nature or based upon a protected class characteristic, and to discipline or take appropriate action against any employee, agent, officer, commissioner, or other related official who is found to have violated this policy.

Behavior prohibited by this policy also includes requests to engage in illegal, immoral, or unethical conduct.

Reporting Procedures

Any person who believes he or she has been a victim of offensive conduct of a sexual nature, sexual harassment or harassment or bias based on race, color, creed, national origin, gender, religion, disability, age, marital status, status with regard to public assistance or sexual orientation by an employee, agent, official, commissioner or other elected official of the county, or any person with knowledge or belief of conduct which may constitute such harassment or bias towards an employee, official or member of the public seeking or receiving public services or accommodations, shall report the alleged conduct immediately to their supervisor, their department head, the Assistant County Administrator/Personnel Director, or the County Administrator.

The County encourages the reporting party or complainant to use the report form attached, but oral reports shall be acknowledged as well.

Department Head and Supervisor Responsibilities

Department heads and supervisors, elected or appointed, are primarily responsible for implementing this policy, and for maintaining a respectful working environment free from any type of offensive conduct, harassment, and violence.



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Complaints of any kind shall be dealt with in a timely manner and any data collected, created, received, or maintained shall be handled in accordance with the Minnesota Government Data Practices Act, Chapter 13. All records must be maintained in an accurate and precise manner.

Department heads and supervisors shall immediately report any and all complaints of offensive conduct, harassment and violence, of which they are aware, to the Personnel Department, and shall assist, as required by the Personnel Department, in investigating the complaint. Employees must also be kept informed about the status of all investigations.

Failure by a department head or supervisor to report, as required in the above paragraph, shall result in disciplinary action for failure to do so.

Employee Responsibilities

All employees are responsible to conduct themselves in accordance with this policy and to assist in maintaining a work environment that is free from offensive conduct, harassment, and violence.

Individuals who feel aggrieved because of offensive/violent behavior, discrimination, and/or harassment should:

1. If comfortable doing so, directly inform the person engaging in the inappropriate behavior that it is offensive, against County policy, and they must stop; or
2. If the employee is unable to communicate directly with the individual whose conduct or communication is inappropriate, or if direct communication has been unsuccessful, the aggrieved employee should immediately contact his/her supervisor, department head, and/or the Assistant County Administrator/Personnel Director to make a complaint;
3. If the individual engaging in harassment is the employee's supervisor or department head, the aggrieved employee need only contact the Personnel Department or the County Administrator.

Personnel Department Responsibilities

Upon receiving a complaint, the Personnel Department shall conduct a thorough and timely investigation. The Assistant County Administrator/Personnel Director may delegate the authority for the investigation as deemed appropriate. This may be internal staff and/or to an outside entity. The investigation may include interviews with all relevant individuals, and will be conducted in a manner to preserve the confidentiality and rights of all parties to the fullest extent possible.



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Upon completion of the investigation, the Assistant County Administrator/Personnel Director shall insure a written report is made documenting the nature of the complaint, whether or not harassment, violence, or offensive behavior was substantiated; the nature and extent of the harassment or other unacceptable behavior in substantiated cases; and recommendations for appropriate disciplinary action to be taken by the County Administrator.

The results of the investigation shall be provided to the aggrieved employee, the subject of the complaint, his/her department head, and the County Administrator.

If disciplinary action is recommended, such action shall be taken in accordance with County policies and procedures and any provisions of the applicable bargaining unit agreement covering the employee. Disciplinary action may include any of the following actions based on the severity of the behavior:

1. Oral reprimand;
2. Written reprimand;
3. Suspension;
4. Discharge.

Any disciplinary action taken as the result of investigating the complaint shall be documented in the offender's personnel file.

Retaliation

The County will discipline or take appropriate action against any employee, officer, commissioner, agent, or other elected official who retaliates against any person who reports alleged offensive conduct, harassment, bias, or violence under this policy or any person who testifies, assists, or participates in an investigation, or who testifies, assists, or participates in a proceeding or hearing relating to such offensive conduct, harassment, bias, or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Conclusion

This policy does not deny or preclude the right of those individuals subjected to harassment, especially sexual harassment, to pursue other avenues of recourse, including, but not limited to, filing charges with the Minnesota Department of Human Rights, initiating civil lawsuits, seeking redress under Federal law, or pursuing criminal charges.



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APPENDIX "A"

WINONA COUNTY OFFENSIVE CONDUCT, HARASSMENT, AND VIOLENCE REPORT FORM

Winona County maintains a firm policy prohibiting offensive conduct, harassment and/or violence of county employees and the public they serve or retaliation against any employee who reports any alleged prohibited conduct. Offensive conduct, harassment and violence, or other forms of behavior by any person, which create an intimidating, hostile or offensive environment, will not be tolerated.

If you feel you have been the victim of this type of conduct, either complete the form attached, submit your own written report, or report it verbally to your supervisor, department head, County Administrator, Assistant County Administrator/Personnel Director or any one of the employees designated to receive complaints of offensive conduct, harassment and/or violence.

**OFFENSIVE CONDUCT, HARASSMENT, AND VIOLENCE
REPORT FORM**

Complainant:

Date:

Dept./Position:

Supervisor:

Is your supervisor aware of the incident(s): Yes No

Home Address:

Home Phone:

Work Phone:

Cell Phone:

Date of Alleged Incident(s):

Location of Alleged Incident(s):

Name(s) of person(s) you perceive harassed you:

Describe the incident(s) as clearly as possible, including such things as: What force, if any, was used; any gestures or verbal statements (i.e. threats, requests, demands, etc.): what, if any, physical contact was involved, and any other pertinent information, etc. (Attach additional pages if necessary).

How long has the issue existed?

Why have you decided to come forward now, has there been an issue or event that provoked you?

List any witnesses that were present:

What have you done to try and resolve the issue?

Are you or someone involved at risk right now?

Are you concerned for your own or someone else's safety?

What would you like to see happen?

How is this issue affecting you?

This complaint is filed based on my honest belief that I have been harassed. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Complainant's Signature

Date

Received By

Date

APPENDIX “B”

**WINONA COUNTY
RESPECTFUL WORKPLACE POLICY**

Acknowledgement

The Winona County Board of Commissioners has adopted a Respectful Workplace Policy.

This policy applies to all Winona County employees, agents, officers, commissioners, and other elected officials, and has been incorporated into the County’s Personnel Policy and Procedures Manual.

To acknowledge receipt of the Winona County Respectful Workplace Policy, you are required to sign this sheet and return it to the Personnel Department where it will be kept on file.

Dated this _____ day of _____, 20 ____

Print Name

Employee’s Signature

(Please retain this page with your Respectful Workplace Policy)

APPENDIX “B”

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To acknowledge receipt of the Winona County Respectful Workplace Policy, you are required to sign this sheet and return it to the Personnel Department where it will be kept on file.

Dated this ____ day of _____, 20 ____

Print Name

Employee’s Signature

(Please acknowledge receipt of this policy and submit to the Personnel Department)