



**ALLEGHENY COUNTY
DEPARTMENT OF HUMAN RESOURCES
POLICIES AND PROCEDURES**

**ANTI DISCRIMINATION-HARASSMENT-RETALIATION POLICY
AND
COMPLAINT AND REPORT PROCEDURE**

Policy #202
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Date Issued: February 1, 2005
Date Revised: February 23, 2011

A. EQUAL EMPLOYMENT OPPORTUNITY

Allegheny County is an equal opportunity employer. It is the policy of Allegheny County that employees and applicants shall receive consideration and treatment consistent with all equal employment opportunity laws in all terms and conditions of work and the pre-employment process. Allegheny County does not discriminate against anyone on the basis of a protected class including: race; color; religion; national origin; ancestry or place of birth; sex; gender identity or expression; sexual orientation; disability; marital status; familial status; age (40 and older); use of a guide or support animal because of blindness, deafness or physical disability of any individual or independent contractor or because of the disability of an individual with whom the person is known to have an association; or on any other basis protected by federal, state or local law.

Allegheny County strives to provide a work environment which promotes respect and provides an opportunity for each employee to develop to his or her full potential. Illegal discrimination, harassment and retaliation are strictly prohibited, not only because they violate the law, but also because they are contrary to Allegheny County's interest in attracting, retaining and promoting the most talented, effective and dedicated employees.

Allegheny County has an internal Complaint and Report Procedure, described below in Section C to address and resolve complaints of discrimination, retaliation and harassment. Utilize this procedure if you believe this policy has been violated.

1. DISCRIMINATION IS PROHIBITED

Allegheny County requires that employees be treated as individuals, on the basis of qualifications, skills, abilities, conduct and performance. Discrimination on account of any status protected by law, including but not limited to those identified in Section A, is prohibited. This policy applies to all employment practices, including recruitment, hiring, evaluation, promotion, transfer, discipline and termination, as well as to all forms of compensation and benefits.

All personnel are required to comply with this policy, including the Complaint and Report Procedure in Section C. All personnel must behave in a non-discriminatory and business-like manner in all dealings with co-workers and all non-employees of Allegheny County contacted in the course of employment.

2. HARASSMENT IS PROHIBITED

Additionally, this policy prohibits harassment in the workplace. Allegheny County takes allegations of harassment seriously and will investigate promptly reports and complaints of prohibited harassment. If it is determined that inappropriate conduct has occurred, Allegheny County will take corrective and remedial action appropriate to the situation.

a. Sexual Harassment is Prohibited

Sexual harassment in the workplace or in other work-related settings is illegal and is prohibited by this policy. Sexual harassment is typically defined as unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature, when:

- submission to that conduct is made explicitly or implicitly a term or condition of employment; or
- submission to or rejection of that conduct is used as a basis for employment decisions; or
- an individual's work performance is affected by creating an intimidating, hostile or offensive work environment.

Under the definition given above, sexual harassment includes a request by a supervisor for sexual favors in exchange for a favorable job action (such as a good review, a salary increase or promotion) or in exchange for avoiding unfavorable job action (such as demotion, discipline or discharge). Any such request is strictly prohibited, and will result in disciplinary action or discharge, without other warning. **If any supervisor or manager makes any such direct or implied request to you, report it at once as described under the Complaint and Report Procedure in Section C.**

Any unwelcome and/or offensive conduct, whether deemed illegal or not, by anyone towards another including someone of the same gender is prohibited by this policy.

b. Other Types of Harassment are Prohibited

Not all harassment is sexual. This policy also prohibits verbal or physical harassment of any person because of his or her protected status including those identified in Section A or because of his or her exercise of legal rights, including the right to report violations of this policy, where such conduct is unwelcome and has the purpose or effect of unreasonably interfering

with an individual's work performance or creating an intimidating, hostile or offensive work environment. Any such conduct, whether deemed illegal or not, is prohibited by this policy.

3. RETALIATION IS PROHIBITED

Allegheny County also forbids retaliation against employees because they have properly exercised their legal rights, (such as the right to a leave of absence from work granted by the Family and Medical Leave Act or the right to file a complaint with a government agency), or because they have reported any violation of this policy or otherwise have opposed, in a non-disruptive manner, actions they reasonably believe to constitute unlawful discrimination, harassment or retaliation.

It is a violation of this policy for any employee who learns of any report, complaint or investigation pursuant to this policy to retaliate against the person who made the report, or against anyone involved in the investigation, on the basis of his or her good faith use of the Complaint and Report Procedure in Section C or on the basis of his or her cooperation in the investigation.

B. CONSEQUENCES OF VIOLATING THIS POLICY

Illegal discrimination, harassment, or retaliation is strictly prohibited. If you violate this policy or any equal opportunity law, you will be subject to disciplinary action, up to and including discharge, without other warning. Also, you may incur legal liability and be held personally responsible.

C. COMPLAINT / REPORT PROCEDURE

Under this policy, all employees share responsibility for ensuring that the workplace is free from all forms of harassment, discrimination and retaliation. **If you believe that this policy has been violated, report the problem immediately using the Complaint and Report Procedure. Make your report of the situation to:**

the Supervisor OR the Department Director

OR

the Human Resources Representative for your department

OR

Allegheny County Department of Human Resources: Employee Relations

If you choose to discuss the problem first with your supervisor or someone else in your direct chain-of-command and do not get a prompt or satisfactory response, contact your Director or the Department of Human Resources immediately.

D. MANAGEMENT RESPONSIBILITIES

Management must comply with and enforce all aspects of this policy and must cooperate fully in the County's investigative, remedial and corrective actions. Management is required to act on all reports of harassment even when a request is made by the employee that no action be taken. Management must not interfere or attempt to interfere with or prevent any employee's effort to make a complaint or report under this policy. Failure by any management to comply with these responsibilities is a violation of this policy and will result in disciplinary action, up to and including discharge, without other warning. A supervisor who violates this policy also may be held personally liable for money damages.

E. EMPLOYEE RESPONSIBILITIES

All employees must comply with this policy and are encouraged to report any violation of this policy as provided under the Complaint and Report Procedure in Section C. All employees are required to cooperate fully in any preventative, investigative, remedial and corrective actions taken by Allegheny County. Allegheny County is required to act on all reports of harassment even when a request is made by the employee that no action be taken. Failure to fulfill these responsibilities is a violation of this policy. Any false allegations may result in disciplinary action, up to and including discharge, without other warning.

F. INVESTIGATION OF REPORTS AND COMPLAINTS

All reports of harassment, discrimination and retaliation made pursuant to this policy will be investigated promptly. Such investigations are to be conducted by or under the direction of the Director, Allegheny County Department of Human Resources. All such investigations will be conducted in as confidential a manner as is consistent with a proper investigation and to the extent practical under the circumstances. The County's investigation typically will include, but is not limited to, private interviews with the person(s) who made the report, with any witnesses and with the person(s) alleged to have violated this policy. When the investigation has been completed, Allegheny County will, to the extent appropriate, inform the person(s) who made the report and the person(s) alleged to have violated this policy of the results of the investigation. Allegheny County also may inform other appropriate persons, such as those involved in taking corrective or remedial action.

G. CORRECTIVE AND REMEDIAL ACTION

If it is determined that a violation of this policy or of the law or other inappropriate conduct has occurred, Allegheny County will take actions appropriate under the circumstances to address and correct the misconduct and to otherwise remedy the situation. Remedial action is intended to prevent future violations and to undo the effects of the violation of this policy and will vary depending on the situation. Disciplinary action for any violation of this policy may range from counseling and/or training to discharge, and may include any other form of corrective action Allegheny County deems to be appropriate under the circumstances.

H. FEDERAL, STATE AND LOCAL LAWS

Federal, state and local laws prohibit illegal discrimination, harassment and retaliation. If you believe that you have been subjected to illegal discrimination, harassment or retaliation and you are dissatisfied with the Allegheny County's response to your complaint or otherwise wish to do so, you may file a charge of discrimination with any of the following agencies within the respective time frames:

Pennsylvania Human Relations Commission Pittsburgh Regional Office

301 Fifth Avenue
Suite 390, Piatt Place
Pittsburgh, PA. 15222
412-565-5395
TTY: 412-565-5711

Filing Time Frame: Up to 180 days from date of alleged occurrence

Equal Employment Opportunity Commission Pittsburgh Regional Office

William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA. 15222
1-800-669-4000
TTY: 412-395-5904

Filing Time Frame: Up to 300 days from date of alleged occurrence

Office of Federal Contract Compliance

U.S. Department of Labor
Pittsburgh District Office
1000 Liberty Avenue, Room 2103
Pittsburgh, PA. 15222
412-395-6300

Filing Time Frame:

Up to 180 days from date of alleged occurrence Note: Only if contractor receives federal funds.

Allegheny County Human Relations Commission

102 County Office Building
542 Forbes Avenue
Pittsburgh, PA. 15219
412.350.6940

Filing Time Frame: Within 180 days after the alleged act of discrimination

I. QUESTIONS

Any questions concerning this policy should be directed to:
Department of Human Resources: Employee Relations
102 County Office Building
542 Forbes Avenue
Pittsburgh, PA. 15219
412-350-6940