



Galveston County Human Resources Policy Manual

Policy HR004-Equal Employment, Anti-Discrimination, and Anti-Harassment

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- A. 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, ancestry or national origin, ethnicity, sex, marital status, disability, Vietnam era and disabled veteran status, veterans status, genetic information, age or sex, except where permitted as a bona fide occupational qualification. The County prohibits sex discrimination on the basis of pregnancy. This policy applies to all terms and conditions of employment, including, but not limited to, application, testing, recruitment, hiring and placement, discipline, medical examinations, assignments, evaluations, benefits, promotion, transfer, compensation, leaves of absence, training, termination, layoff, reorganization of departments, and recall.

Sexual Harassment/Harassment/Hostile Work Environment

- A. Unsolicited or unwelcome sexual overtures, either physical or verbal, to fellow Employees are forbidden and will result in disciplinary action.
- B. No Supervisor or Employee shall harass an Employee on the basis of sex. Personnel action shall not be taken affecting an Employee (either favorably or unfavorably) that is based on submitting to sexual advances, refusing to submit to sexual advances, protesting sexual overtures, or raising a complaint concerning the alleged violation of this policy.
- C. Employees shall not behave in a manner that is unwelcome by any other Employee and is personally offensive to any other Employee. Such behavior includes:
1. Sexual flirtations, innuendo, advances, or propositions;
 2. Continued or repeated verbal abuse of a sexual nature, sexually related comments or joking, graphic, or degrading comments about an Employee's appearance, or the display of sexually suggestive objects or pictures;
 3. Any unwelcome physical contact or touching, such as patting, rubbing, tickling, pinching, or constant brushing against another's body;
 4. Any conduct that unreasonably interferes with an Employee's performance, or creates an intimidating, hostile, or offensive working environment even if no tangible or economic damages result.
 5. Harassment refers to behavior that is not welcome, is personally offensive, fails to respect the rights of others, and interferes with the employee's work performance. Harassment is considered any act or communication, either verbally, electronically or physically that consists of conduct that shows hostility or aversion.



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6. Examples of harassment include, but are not limited to, spreading false rumors, threats, loitering, leaving frequent notes, numerous telephone calls, sabotage, vandalism, invasion of privacy, derogatory social media or electronic communications, verbalizing demeaning stories to or about another, hanging offensive pictures or posters, or emailing offensive material.
- D. Supervisors and Employees shall not exert subtle pressure for sexual favors. Such pressure includes but is not limited to implying or threatening that an applicant's or Employee's cooperation of a sexual nature (or refusal of it) will have any effect on the person's employment, job assignment, wages, promotion, or on any other conditions of employment or future job opportunities.
- E. Employees who experience harassment or sexual harassment should make it known to the harasser that their actions are not welcomed. The employee should indicate that they do not want the behavior to continue and that their actions make them uncomfortable.
- F. Any Employee who feels that he is a victim of discrimination, harassment or sexual harassment must immediately report the matter to the County's Director of Human Resources or County legal department.
- G. Violations of this policy will not be permitted. Any person who violates this policy will be subject to immediate and appropriate discipline up to and including termination. Any employee with the exception of Law Enforcement, involuntarily separated from employment due to violation of this policy waives the right to grieve the discharge.

Americans with Disabilities Act

- A. It is the policy of the County to comply with the Americans with Disabilities Act (ADA) and in some instances § 504 of the Rehabilitation Act of 1973. It is our policy not to discriminate against qualified individuals who meet the experience, education, and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation can perform the essential functions of the job. The County will provide reasonable accommodation(s) upon request, for a qualified individual to perform the job, as defined by the ADA. Reasonable accommodation will be provided unless a request imposes an undue hardship for the County.
- B. The County will not discriminate against persons with disabilities regarding any employment practices including: application procedures, testing, hiring, assignments, evaluations, promotions, disciplinary action, advancement, discharge, compensation, training, medical examinations, layoff/recall, leave, benefits or other terms, conditions and privileges of employment.



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- C. The County will not:
1. Deny employment opportunities to a qualified individual because they have a relationship or association with a person with a disability.
 2. Refuse to make reasonable accommodations to the known physical or mental limitations of a qualified applicant or Employee with a disability, unless the accommodation poses an undue hardship on the County.
 3. Use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability unless such criteria are job-related and necessary for the County's business.
 4. Use employment tests except in the most effective manner to measure actual abilities to perform the essential functions of a position.

Remedies

- A. Any Employee who feels that he is a victim of discrimination, harassment or sexual harassment must immediately report the matter to the County's Director of Human Resources.
- B. The County's Human Resources Department shall immediately investigate the report. The Department Head, after consultation with Human Resources may place any involved Employee on administrative leave with pay until completion of the investigation. Department Heads may also contact the Legal Department as they deem necessary or prudent. The Human Resources Director shall notify the Department Head and the County Judge of the results of its investigation. If a policy violation is found, the Department Head in whose department it occurred shall promptly do whatever is necessary to prevent the misconduct from reoccurring and take appropriate disciplinary measures.

Fair Credit Reporting Act

- A. It is the policy of the County to comply with the provisions of the Fair Credit Reporting Act. This act guarantees certain rights for individual's affected by background screening reports and other types of consumer reports. The act also holds consumer reporting agencies accountable for the accuracy and fairness of generated reports.
- B. Applicants are informed that background checks are used for employment purposes and agree to such use. Candidates are notified immediately if information contained in their report may negatively impact an employment offer.



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Safe Workplace; Anti-Violence

- A. The County is committed to providing employees with a safe, non-violent work environment. Statements or behavior that can be considered threats to the safety of individuals in the workplace or persons with whom the County conducts business will not be tolerated. Every employee has a responsibility to report perceived or actual incidents of violence.
- B. Violence is defined as any direct physical or emotional assault. Emotional assault is defined as direct threat of harm or veiled threats of harm intended to intimidate another person.
- C. Acts or threats of violence are prohibited and include but are not limited to the following: Physical acts of violence; Verbal threats of Violence, Threatening conduct, such as harassing or intimidating others, displaying intense anger, and showing off or actually brandishing a weapon or item which could be used as a weapon, Bomb threats, and Deliberate destruction of equipment and property, including arson.
- D. Veiled (indirect or suggestive) threats of violence are intended to harass or intimidate another person. A thorough investigation must occur in all cases where an employee is charged with making veiled threats. If the allegation is substantiated, the employee must receive disciplinary action up to and including involuntary separation of employment.
- E. Disrespectful behavior towards another employee or non-employee by raising the volume of voice in an effort to overpower or control another, yelling, profanity or inappropriate conduct that frightens another or creates fear will not be tolerated. Employees and managers need to realize that it is not the intent but the perception of the receiver that can create hostility or fear.

Procedure

- A. It is the policy of Galveston County to fully investigate and act accordingly, including but not limited to, filing the appropriate police report and terminating the employment of any employee that engages in director overt actions of violence towards any other employee, volunteer, or visitor. In addition, the County will assist employees in reporting any direct or overt actions of violence against them conducted by non-employees which happen during the course of business. An employee may file a complaint with the Human Resources Director or their supervisor or Department Head.
- C. Direct physical assaults require that the employee, so accused, be removed from work during the time a thorough investigation of the alleged incident takes place. If the allegation is substantiated, the police must be contacted and a police report filed. Assaultive behavior calls for the proper steps to be taken with disciplinary action up to and including involuntary separation of employment. Any employee or visitor that witnesses, hears, or is the subject of any direct or overt violence is to report the incident to their immediate supervisor, Director of Human Resources or Legal immediately.



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- D. An incident report will be completed giving full details as to the event and disclosing the names of all individuals involved. Human Resources and or Legal should be contacted immediately.
- E. Employees who are reprimanded or are in the process of the disciplinary process usually can feel angry and fearful and want to protect themselves from further discipline or involuntary separation of employment. This policy is not intended to nullify the manager's ability to reprimand, correct poor behavior or poor performance or in any way take away the manager's right to utilize the disciplinary process or erode the County's Employment-At-Will status. Allegations against the manager by a subordinate after a performance or disciplinary meeting will be met with appropriate level of caution, scrutiny, and concern of purposeful retaliation against the manager by the subordinate.
- F. No employee providing assistance or information will suffer retaliation due to that participation.
- G. Substantiation of violence toward another employee or non-employee during work or at work related activities may result in discipline up to and including involuntary separation of employment. Any Employee, with the exception of Law Enforcement employees, involuntarily separated from employment for workplace violence will waive their right to the County progressive disciplinary process, including the grievance process and will be barred from reinstatement or reemployment with the County.

Galveston County Cares About You Hotline

Employees who want to report a concern or harassment/discrimination or workplace complaint now have the opportunity to contact the Galveston County Cares About You Hotline at 409-770-5500. This phone is a confidential line that is answered by the Human Resources Director or designee. Please leave your name, phone number and brief message. Calls are returned within 24 hours or sooner on weekdays.