

5.02 EQUAL EMPLOYMENT OPPORTUNITY

The Board of County Commissioners is an Equal Opportunity/Affirmative Action Employer and does not discriminate in admission or access to, treatment, or employment in its programs and activities. It is the policy of the Board to afford equal opportunity to all persons regardless of race, color, religion, age, sex, national origin, disability or marital status and to promote full realization of equal employment through a positive continuing program. The County will take affirmative action to:

Recruit, hire and promote all job classifications without regard to race, color, religion, age, sex, national origin, disability or marital status. Any employment decision will be made so as to further the equal opportunity principles.

Ensure that all personnel actions and benefits will be administered in a nondiscriminatory basis.

Discrimination based on race, color, religion, age, sex, national origin, disability, marital status or political affiliation is unlawful and will not be tolerated by the Polk County Board of County Commissioners. The Polk County Board of County Commissioners is committed to investigating and eradicating any form of discrimination, sexual harassment or work place harassment. If you have questions or concerns regarding equal employment opportunity issues, you are encouraged to contact the Equal Opportunity Administrator at 534-6075. The Equal Opportunity Office is located on the fourth floor of the County Administration Building, Bartow.

5.03 VETERANS PREFERENCE

In compliance with Florida State Statute 295, Polk County affords Veterans preference in employment.

5.04 DISABILITY POLICY STATEMENT

Polk County government is committed to a policy of non-discrimination on the basis of disability in its employment practices, provision of public services, and access to governmental facilities. Qualified disabled individuals will be considered to fill vacant County positions. Polk County agrees to take affirmative action in an effort to employ, promote, train and otherwise reasonably accommodate, when appropriate, disabled persons in County service. All levels of administration and supervision will actively participate in the implementation of this policy.

5.05 DISCRIMINATION POLICY, COMPLAINTS AND APPEALS:

POLICY

In compliance with Title VII of the Civil Rights Act of 1964, and State law, the Polk County Board of County Commissioners prohibits employment discrimination on the basis of race, color, religion, sex, age, national origin, political affiliation or belief, marital status, or disability. Harassment based on race, color, religion, sex, age, national origin, disability, marital status or political affiliation is against the law and will not be tolerated by the Polk County Board of County Commissioners.

It is also unlawful and a violation of County Policy to retaliate or take reprisal in any way against anyone who has articulated a concern or complaint about discrimination, whether the retaliation is against the individual subjected to the discrimination or against the individual raising the concern.

The Polk County Equal Opportunity Administrator or designated representative shall investigate all charges filed by applicants or employees who allege that they have been denied equal employment opportunities or services based on race, color, religion, sex, age, national origin, political affiliation or belief, marital status, disability or any other reason prohibited by law. All charges initiated by County employees or prospective employees, or charges initiated by the customers doing business with Polk County BoCC will be submitted to the Equal Employment Opportunity Administrator located on the fourth floor of the County Administration Building. Other County Constitutional Offices who have elected to be covered by, and participate in this process will also have charges investigated in accordance with this policy. The investigation and the ultimate disposition of each such complaint will be in accordance with the procedures contained herein. The Polk County Board of County Commissioners is committed to vigorously enforcing its Discrimination and Retaliation policy at all levels within the County.

Examples of conduct that would be considered harassment or related retaliation are set forth in the Statement of Prohibited Conduct, which is found at the end of this section.

COMPLAINT PROCEDURE

- A. Filing a Formal Complaint: Complaints of discrimination against the Polk County Board of County Commissions must be forwarded, in writing, to the Equal Opportunity Administrator or designated representative within thirty (30) calendar days following the alleged discrimination. An Equal Opportunity Intake Form, located in the EO Office should be used to make such a complaint. All complaints must include the following items of information.
 1. Name of the charging party, work location, and telephone number.
 2. The basis for the alleged discrimination, e.g., race, color, sex, age, religion, national origin, marital status, political affiliation or belief, physical handicap or any other reason prohibited by law.

3. A short statement of the actions and circumstances which caused the act or acts of discrimination to occur. Indicate date, time and place.
 4. Name, title, and office/division of the individual(s) responsible for the alleged act(s) of discrimination.
 5. List any witnesses or persons having knowledge of the event(s).
- B. Agency Investigation: Within ten (10) working days of receipt of a complaint of discrimination, the Equal Opportunity Administrator shall give written notification to the Complainant, acknowledging receipt of the complaint and describing the steps that will be taken by the EO Office to resolve the complaint.
- C. Fact-Finding Meeting: At the discretion of the EO Administrator, a fact-finding meeting may be conducted with the complainant and the respondent to determine if the alleged discriminatory action can be resolved between the parties prior to an investigation. The EO Administrator may require the responding department or division to answer to the charge of discrimination in writing to the EO Office within ten (10) days from the EO Administrator's request for a response.
- D. Investigation Report: The Equal Opportunity Administrator or designated representative shall prepare a final report, within forty-five (45) days following the filing of the complaint, describing the findings and conclusions reached in the investigation and the proposed recommendations for resolving the matter. An extension of time may be granted by the County Manager. Notification of such extension shall be provided to the Complainant. A copy of the final report together with all supporting documentation, if applicable, shall be provided to the Complainant within fifteen (15) days following the report's completion.
- E. Appeal Rights: If the Complainant is not satisfied with the action plan or resolution of the complaint, the Complainant may appeal the disposition of the complaint to the Employee Relations Council (ERC). Requests to appeal to the Employee Relations Council must be made in writing and directed to the Equal Opportunity Office within twenty-one (21) calendar days of the receipt of the Equal Opportunity Administrator's final report of investigation. See Handbook Section 13.05 PROCEDURAL RULES FOR APPEALS TO THE EMPLOYEE RELATIONS COUNCIL. The Complainant's decision to file an internal administrative complaint is not intended to inhibit the Complainant's right to file a consecutive or concurrent complaint with the Federal Equal Employment Opportunity Commission and/or the Florida Commission on Human Relations.
- F. Confidentiality: With the cooperation of the concerned employee(s), the investigation will be carried out with respect for the confidences and sensitivity of all persons involved. However, as with most County generated information, the final report and all supporting documentation is a matter of public record.

Where complaints of discrimination or harassment are substantiated, appropriate action will be taken. Appropriate action may range from counseling to termination.

STATEMENT OF PROHIBITED CONDUCT

The Polk County Board of County Commissioners considers the following conduct to represent some of the types of acts which violate Polk County's Discrimination and Harassment Policy, but is not to be construed as an all inclusive list of prohibited acts:

- A. Excluding individuals from an employment opportunity on any basis prohibited by law, including refusal to hire or promote.
- B. Gestures, noises, remarks, jokes, profanity, or derogatory comments about a person's race, color, sex, age, religion, or national origin directed at or made in the presence of any employee, customer, or client.
- C. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because of their race, color, sex, age, religion, national origin, political affiliation or belief, marital status or because they have complained about or resisted harassment, discrimination, or retaliation.
- D. Intentionally making performance of an individual's job more difficult because of the individual's race, color, sex, age, religion, national origin, political affiliation or belief, marital status or disability.
- E. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are discriminatory, demeaning or bringing into the work environment or possessing any such material to read, display or view at work.
- F. Implementing practices that cause similarly situated individuals of a different race, sex, religion, age, national origin, political affiliation or belief, marital status, or who are disabled to be accorded different treatment in the context of a similar employment situation.
- G. Subjecting, or threats of subjecting, an employee to termination, demotion, or unfair treatment if, or because, they complain about or resist harassment, discrimination, or retaliation.
- H. Intentionally pressuring, falsely denying, lying about or otherwise engaging in deception in order to cover up or attempt to cover up misconduct or actions described in any item above.
- I. Refusing to cooperate in the conduct of an EO investigation.

- J. Intentionally making a false statement intended to misrepresent or impede discovery of the truth or actual facts or circumstances.

All conduct or actions described above are grounds for disciplinary action, up to and including termination. If you have questions or concerns regarding discrimination or harassment matters, please contact the Equal Opportunity Administrator at 534-6075.

10.11 SEXUAL HARASSMENT POLICY

Sexual harassment is another form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964, and is thus prohibited by the Polk County Board of County Commissioners. Sexual harassment, as in the case of harassment based on age, race, color, religion, disability, national origin, or marital status, is against the law and will not be tolerated by the Polk County Board of County Commissioners.

Sexual harassment consists of unwelcome sexual advances, request for sexual favors or other verbal or physical acts of a sexual or sex-based nature where (1) submission to the advances is a term or condition of employment, or (2) submission to, or rejection of, the advances is used as the basis for making business decisions, or (3) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

It is also unlawful and a violation of County policy to retaliate or take reprisal in any way against anyone who has articulated a concern about sexual harassment or discrimination, whether that concern relates to harassment or discrimination against the individual raising the concern or against another individual.

Examples of conduct that would be considered sexual harassment or related retaliation are set forth in the statement of Prohibited Conduct.

Any employee who believes he or she has been the subject of sexual harassment should report the incident immediately to their immediate supervisor, the Equal Opportunity Administrator, or an Assistant County Attorney. Complaints against the Chairman of the Polk County Board of County Commissioners should be immediately reported to the County Attorney. The County Attorney will notify the vice-Chairman of the Board of County Commissioners and retain outside counsel, who will direct an investigation of the complaint. If the complaint is against a County Commissioner, it should be immediately reported to the County Attorney. The County Attorney will notify the Chairman of the Board of County Commissioners and retain outside counsel, who will direct an investigation of the complaint. If the complaint is against the County Manager the employee should report the incident immediately to the County Attorney. The County Attorney will notify the Chairman of the Board of the County Commissioners and retain outside counsel, who will direct an investigation of the complaint. Complaints against the Equal Opportunity Administrator should be immediately reported to the County Manager. Complaints against the County Attorney

should be immediately reported to the Equal Opportunity Administrator. The Equal Opportunity Administrator will notify the Chairman of the Board of County Commissioners. The outside counsel may be retained to investigate the complaint. Complaints against Assistant County Attorneys should be immediately reported to the County Attorney.

With the cooperation of the concerned employee, the investigation will be carried out with respect for the confidences and sensitivity of all persons involved. The concerned employee will be afforded protection from retaliation. The results of any investigation of alleged harassment shall be promptly communicated to the employee. Where charges of sexual harassment are substantiated, appropriate action will be taken. Appropriate action may range from counseling to termination.

Polk County recognizes that false accusations of sexual harassment can have a serious effect on innocent men and women and that absolute guilt or innocence may be difficult to prove. However, individuals determined to have made false accusations of sexual harassment will be subject to appropriate disciplinary action. Sexual harassment is unlawful and such prohibited conduct exposes not only Polk County, but the individuals involved in such conduct, to liability under the law. Employees at all times shall treat other employees and outside parties, i.e., the public customers, guests, visitors, vendors, etc., respectfully, with dignity, and in a manner so as not to offend their sensibilities. Accordingly, Polk County Board of County Commissioners is committed to vigorously enforcing its Sexual Harassment Policy at all levels within the County.

STATEMENT OF PROHIBITED CONDUCT

The Polk County Board of County Commissioners considers the following conduct to represent some of the types of acts which violate Polk County's Sexual Harassment Policy.

- A. Unwanted physical contact of sexual nature, such as:
 - 1. Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.

- B. Unwanted sexual advances, propositions, or other sexual comments, such as:
 - 1. Sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his or her presence is unwelcome;
 - 2. Preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and

3. Subjecting, or threats of subjecting, any employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
- C. Sexual harassment or discriminatory displays or publications anywhere in Polk County's work place by employees such as:
1. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic, or bringing into the work environment or possessing any such material to read, display or view at work.
- D. Retaliation for sexual harassment complaints, such as:
1. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with, any employee because that employee has complained about or resisted harassment, discrimination or retaliation;
 2. Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as the described in any item above; and

The above is not to be construed as an all inclusive list of prohibited acts under the Polk County Board of County Commissioners Sexual Harassment Policy.

The Polk County Board of County Commissioners is committed to investigating and eradicating any form of sexual harassment. You are encouraged, if you have any questions, to contact the Equal Opportunity Administrator's Office at 534-6075.