

NON-DISCRIMINATION AND ANTI-HARASSMENT

Purpose

Rockdale County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, Rockdale County expects that all relationships among persons in the workplace will be business-like and free of unlawful bias, prejudice and harassment.

Definitions of Harassment

a. **Sexual harassment** constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Sex-based harassment that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males) may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

b. **Harassment on the basis of any other protected characteristic** is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability, or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

Individuals and Conduct Covered

This policy applies to all applicants and employees, and prohibits harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to Rockdale County (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Retaliation Is Prohibited

Rockdale County prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

Discrimination

- a. Discrimination constitutes treating a person or a group of people less favorably. Federal Law prohibits employment discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, disability, age (40 years old or older), genetic information (including family medical history) or in retaliation for filing a charge or complaint of discrimination, participating in a discrimination proceeding (such as an investigation or lawsuit) or opposing discrimination.
- b. Qualified applicants are considered for all open positions for which they apply and for advancement without regard to any of the protected classes. Rockdale County complies with all applicable federal, state and local laws with regard to equal employment opportunity. Advancement is based entirely on an individual's demonstrated performance, job-related ability, skills, and knowledge and the resulting potential for promotion to the job openings applied for.
- c. The Americans with Disability Act ensures that individuals with disabilities have the same rights and opportunities as everyone else, including the right to equal employment opportunities. This law requires employers to provide reasonable accommodations to employees with disabilities, unless doing so would cause undue hardship.
 1. Employees have the right to work in an environment free from discrimination based on disability. This includes the right to:
 - a. Be free from disability-based discrimination in all aspects of employment, including hiring, firing, promotions, training, and benefits.
 - b. Exercise their rights under the ADA without interference, including requesting reasonable accommodations.

- c. Be protected from retaliation for engaging in protected activities such as requesting an accommodation, filing a complaint, or participating in an investigation regarding disability discrimination.
2. Rockdale County is fully committed to preventing unlawful disability-based discrimination, interference with the exercise of rights under the ADA, and retaliation against employees for engaging in protected activities. We maintain a zero-tolerance policy for any form of discrimination or retaliation and will take immediate action to address any violations.
3. Rockdale County is committed to ensuring that employees with disabilities are not terminated for exhausting their leave under the Family and Medical Leave Act (FMLA) without first engaging in the interactive process to determine if reasonable accommodations are available. We will work with employees to explore all possible accommodations that would allow them to return to work after FMLA leave.
4. Rockdale County will promptly engage in the interactive process with employees who request reasonable accommodations under the ADA. This process involves an open dialogue between the employee and the employer to identify the limitations caused by the disability and explore potential accommodations that would enable the employee to perform the essential functions of their job.
5. Employees may formally request reasonable accommodations by contacting the Department of Talent Management. An accommodation request and ADA certification will be provided to any employee needing an accommodation. The completed documents will be reviewed by the Director of Talent Management. A notice will be sent to the employee and their Department Director after the review is completed. Employees may also make informal requests through discussions with their supervisor or Talent Management. These requests will be treated with the same consideration and seriousness as formal requests.
6. Rockdale County is committed to providing flexibility and individualized consideration when determining reasonable accommodations for employees with medical conditions. Each request will be evaluated on a case-by-case basis to ensure that the accommodation meets the specific needs of the employee while also considering the operational needs of the County
7. Employees may, but are not required, to seek assistance from Rockdale County's Department of Talent Management when requesting reasonable accommodation, when reporting denials of reasonable accommodation and when reporting discrimination on the basis of disability.

Complaint Procedure

Reporting an Incident of Harassment, Discrimination or Retaliation

Rockdale County requires the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to Rockdale County's policy or who have concerns about such matters should file their complaints with their immediate supervisor, the

Director of Talent Management or any member of the Talent Management Department before the conduct becomes severe or pervasive. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the other Rockdale County designated representatives identified above.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, Rockdale County requires the **prompt** reporting of complaints or concerns so that rapid and constructive action can be taken. Rockdale County will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its staff/employees.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

IMPORTANT NOTICE TO ALL EMPLOYEES:

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action. Also, please note, federal, state and local discrimination laws establish specific time frames for initiating a legal proceeding pursuant to those laws.

The Investigation

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Responsive Action

Failure to hire, promote, and/or train due to discrimination and/or harassment will be addressed promptly and appropriately by the Department of Talent Management.

Misconduct constituting harassment, discrimination or retaliation will be addressed promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as Rockdale County believes appropriate under the circumstances.

Individuals who have questions or concerns about these policies are encouraged to contact the Director of Talent Management or the Deputy Director of Talent Management to discuss these policies.


Policy # 2006-4-17
Amended 9/27/24

Policy Changes

The County reserves the right to delete, modify, amend or terminate this policy at any time, with or without prior notice.

Approved this 27th day of August 2024

Board of Commissioners
Rockdale County, Georgia

By: 
Osborn Nesbitt, Sr., Chairman

Attest:

By: 
Jennifer Rutledge, County Clerk



**Board of Commissioners
Agenda Item Transmittal Form
Policy Transmittal Form**

Type of Request: New and Amended Employee Policies		County Clerk Use Only Policy #:
<input type="checkbox"/> Submission Information	<input type="checkbox"/> Information	
Contact Name: Chantall Hunt	Summary of Request: This request includes the adoption of five (5) new employee policies and the amendment of six (6) existing policies.	
Department: Talent Management		
<input type="checkbox"/> Department Director /Elected Official Signature	<input type="checkbox"/> Chief Operating Officer Signature	
I have reviewed the attached, and it is approved as to substance.	I have reviewed the attached, and it is approved for processing.	
Signature: <i>Kimberly Redd</i> Date: 8/21/24	Signature: Date:	
<input type="checkbox"/> County Attorney Signature	<input type="checkbox"/> Executive Director of Government Affairs/County Clerk Signature	
I have reviewed the attached, and it is approved as to form.	I have reviewed the attached, and it is approved for processing.	
Signature: Date:	Signature: Date:	

Notes and Comments:		
Title	Type	Policy Number
Rehabilitation Policy	New	
Severance Pay Policy	New	
Travel Per Diem & Mileage Policy	New	
Civility & Anti-Bullying Policy	New	
Bilingual Incentive Program Policy	New	
Fire and Rescue Incentive Pay Policy	Amendment to Existing	2017-4-33 (Amended 10/10/2017)
Disciplinary Procedures Policy	Amendment to Existing	2006-4-29 (Amended 12/8/2020)
Tuition Reimbursement Policy	Amendment to Existing	2006-4-2 (Amended 12/13/2022)
Drug & Alcohol Use Policy	Amendment to Existing	2018-4-22
Sick Leave Policy	Amendment to Existing	2022-4-40
Non-Discrimination & Anti-Harassment Policy	Amendment to Existing	2006-14-7 (Amended 12/10/2019)