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## SEXUAL HARASSMENT POLICY

**Original Combined Harassment Policy Carry-Forward from OSE Safety Manual. Current Policy Established: October 31, 2018**

### POLICY

The Office of State Examiner, Municipal Fire and Police Civil Service (OSE) is committed to providing a workplace that is free from sexual harassment. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as business trips, business meetings and business related social events. Engagement by any OSE employee in any form of sexual harassment is strictly prohibited and shall not be tolerated.

### APPLICABILITY

This policy shall apply to all employees of the Office of State Examiner or non-employees who have a business relationship with OSE.

### DEFINITIONS:

**A. Sexual harassment** – may include a range of subtle to not-so-subtle behaviors and may involve individuals of the same or different gender. The harasser can be a supervisor, co-worker, other state employees, or a non-employee who has a business relationship with the Department. Sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- Submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting any individual,
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, or
- The behavior persists despite objection by the person to whom the conduct is directed.

Unwelcome actions such as the following are inappropriate and depending on the circumstances, may in and of themselves meet the definition of sexual harassment or

contribute to a hostile work environment (the following are a few examples and are not all inclusive):

- Sexual pranks, or repeated sexual teasing, jokes, or innuendo;
- Lewd comments about an individual's body;
- Touching or grabbing of a sexual nature;
- Talking about one's sexual activity in front of others;
- Repeatedly cornering, leaning in, or standing too close to or brushing up against a person;
- Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated he or she is not interested (supervisors in particular should be careful not to pressure their employees to socialize);
- Giving gifts or leaving objects that are sexually suggestive;
- Repeatedly making sexually suggestive gestures;
- Making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace;
- Pressure for unnecessary personal interaction;
- Off-duty, unwelcome conduct of a sexual nature that affects the work environment.

**NOTE:** Sexual statements can be made in person, in writing, or electronically, such as email, instant messaging, text messaging, blogs, web pages, social media, etc.

Sexual harassment does not require the intent to offend. Inappropriate conduct meant as a joke, prank, or even a compliment can lead or contribute to harassment.

## PROVISIONS:

- A. Sexual harassment violates the Equal Employment Opportunity Commission Guidelines, Section 703 of Title VII of the Civil Rights Act of 1964 as amended, the Louisiana Employment Discrimination Law, and La R.S. 42:341-345.

To initiate a claim under federal or state law, employees are referred to the Equal Employment Opportunity Commission and the Louisiana Commission on Human Rights:

EEOC District Office  
Hale Boggs Federal Building  
500 Poydras St., Suite 809  
New Orleans, Louisiana 70130  
800-669-400 (voice)  
504-589-2958 (TDD)  
504-595-2844 (Fax)  
[www.eeoc.gov](http://www.eeoc.gov)

LCHR  
1001 N. 23<sup>rd</sup> St., Suite 268  
Post Office Box 94094  
Baton Rouge, Louisiana 70804  
225-342-6969 (voice)  
888-241-0859 (TDD)  
225-342-2063 (Fax)  
<http://gov.louisiana.gov/page/lchr>

- B. The Deputy State Examiner will serve as the Department's Equal Employment Opportunity (EEO) Officer with specific responsibilities assigned to the Human Resources Director located at State Civil Service and other designated staff members.

## **RESPONSIBILITIES:**

### **A. DEPARTMENT:**

- When an allegation of sexual harassment has been received, or there is reason to believe sexual harassment is occurring, immediate and appropriate steps will be taken to ensure that the matter is promptly investigated and addressed. OSE is committed to taking appropriate action, even if the individual does not wish to file a formal complaint.
- The Sexual Harassment Policy will be posted on the Department's website and Intranet. Employees will be informed if changes are made to the policy.

### **B. SUPERVISORS:**

- Supervisors shall ensure that employees are aware that sexual harassment is strictly prohibited in this department.
- Supervisors who observe incidents of sexual harassment **MUST** take immediate corrective action without waiting for a victim complaint.
- Supervisors who receive a complaint of sexual harassment **MUST** immediately report the complaint to the Human Resources Director, Deputy State Examiner /EEO Officer or State Examiner.
- Failure to report incidents will be considered a violation of this policy and may result in disciplinary action.

### **C. EMPLOYEES:**

- Any employee who knows or reasonably believes that sexual harassment is occurring or has occurred whether to the employee directly or to someone else, is obligated to inform his Division Administrator, Human Resources Director, Deputy State Examiner/EEO Officer, or State Examiner immediately.
- Employees are responsible for cooperating fully with any investigation of a complaint of sexual harassment. Information related to complaints and investigations will remain confidential to the fullest extent possible. Employees cooperating in an investigation shall maintain the confidentiality of the investigation to protect the reputations of all involved.
- Confidentiality is expected, but total confidentiality may not be guaranteed when investigating a sexual harassment complaint. Management may be required to inform those on a need-to-know basis of the details surrounding the complaint. Although confidentiality is expected, the witnesses and others questioned may not maintain total confidentiality. This should not deter filing complaints of sexual harassment.

Confidentiality violations will be handled on a case-by-case basis.

Charges of sexual harassment are serious charges, and employees should report incidents when they occur. However, due to the seriousness of these charges and the potential damage that could be done to those who are charged, employees shall refrain from making casual, misleading or false charges of such behavior. False and/or malicious complaints of sexual harassment may be subject to disciplinary action, up to and including termination.

## **PROCEDURES:**

- A. If you feel that you have been subjected to sexual harassment or witnessed sexual harassment, you should do the following:
  - Continue to report to work;
  - Inform the person who has offended you that their actions are inappropriate and should be stopped, if you feel secure in doing so;
  - Document the occurrence(s) with very specific facts, including names, dates, times, places, witnesses, etc.; and
  - Report the action to your Division Administrator, Human Resources Director, Deputy State Examiner/EEO Officer or State Examiner **immediately**.
- B. If the harasser is your supervisor, skip the chain of command and report the complaint to the Human Resources Director, Deputy State Examiner/EEO Officer or State Examiner **immediately**.
- C. If the harasser is the State Examiner, report the incident directly to the Human Resources Director **immediately**.
- D. If you have had a sexual harassment complaint reported to you, inform the Human Resources Director, Deputy State Examiner/EEO Officer or State Examiner **immediately**.
- E. Upon receiving a complaint, the State Examiner and Deputy State Examiner/EEO Officer will determine the appropriate investigative procedures and will notify the employee that the complaint has been received.
- F. All actions taken in the investigative process shall be documented and kept in the investigative file.
- G. Once the investigation has concluded, the State Examiner and Deputy State Examiner/EEO Officer will decide on a course of action. Discipline will be appropriate to the circumstances.
- H. After the complaint has been resolved, the Human Resources Director will periodically follow up with the employee(s) who filed the complaint to ensure that there is no continued

or new sexual harassment occurring.

- I. If the harassment continues after the initial complaint has been resolved, employees shall contact the Human Resources Director or Deputy State Examiner/EEO Officer immediately.

#### **MANDATORY TRAINING:**

- A. All employees are required to complete the online course in LEO “**Preventing Sexual Harassment**” by December 31<sup>st</sup> each year.
- B. Anyone who supervises employees or any employee who may receive or investigate a sexual harassment complaint is required to receive additional education and training each year by December 31<sup>st</sup>. The additional education and training may be received either in person or through an online course approved by the State Examiner.
- C. The Executive Management Officer shall maintain records of compliance for each employee of the department.
- D. Failure to complete the mandatory training requirements may result in disciplinary action, up to and including termination.

#### **REPORTING:**

Beginning in 2020, an annual report will be compiled and submitted to the Division of Administration by February 1<sup>st</sup> of each year containing information from the previous calendar year regarding compliance with the requirements of this policy. The report shall include:

- The number and percentage of employees who have completed the mandatory training requirements;
- The number of sexual harassment complaints received;
- The number of complaints which resulted in a finding that sexual harassment occurred;
- The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action; and
- The amount of time it took to resolve each complaint.

These reports shall be public record and available to the public in accordance with the Public Records Law.

#### **RETALIATION:**

OSE requires reporting of all incidents of sexual harassment. No employee who makes a good faith complaint under this policy, or who participates in an investigation of a charge made under this policy or any other proceeding involving a complaint of sexual harassment, shall be adversely affected because of his complaint or participation. Acts of retaliation shall be reported immediately and will be promptly investigated and addressed.

**EXCEPTIONS:** The State Examiner may grant an exception to any provision of this policy, provided such exception shall not be in conflict with Civil Service Rules and Regulations, state and/or federal law.

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s/Adrienne T. Bordelon, Interim State Examiner