

**MONTGOMERY COUNTY, TEXAS
EMPLOYEE POLICY MANUAL
3. EMPLOYEE RESPONSIBILITIES**

3.3 HARASSMENT

- PURPOSE** 3.3-1 Harassment is a form of misconduct which undermines the integrity of the employment relationship. Montgomery County employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive, intimidating, or disruptive.
- 3.3-2 Mental, verbal or physical harassment because of **sex** (including sexual harassment, harassment due to pregnancy, childbirth or related medical conditions, and gender harassment) and harassment because of **race, religion, color, national origin, medical condition, physical or mental disability, age** or any other basis protected by federal, state, or local law is illegal and against County policy. Tolerance of an individual's sexual orientation is also expected.
- APPLICABILITY** 3.3-3 This anti-harassment policy applies to all individuals involved in the operation of County government and prohibits unlawful harassment by any employee of Montgomery County, including elected officials, department heads, supervisors, and co-workers, or by any vendors and/or independent contractors and their employees.
- MANAGEMENT'S RESPONSIBILITY** 3.3-4 Elected officials, department heads, and others in management positions are responsible for taking action against acts of harassment by persons they supervise or otherwise control.
- ZERO TOLERANCE** 3.3-5 Any employee who engages in harassment of any kind is subject to discipline, up to and including discharge.
- SEXUAL HARASSMENT** 3.3-6 **Sexual harassment** includes unwelcome verbal or physical conduct of a sexual nature (1) when submission to the conduct is made either an implicit or explicit term or condition of employment, i.e., promotion, training, amount of pay, time-keeping; (2) when submission to or rejection of the conduct is used as a basis for making employment decisions; (3) when the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment; or (4) that denigrates or shows hostility toward a person because of his or her gender when the conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.
- A. **Quid Pro Quo** Harassment: Unwelcome sexual advances by a supervisor or manager who has the authority to affect the working conditions of the employee.

**MONTGOMERY COUNTY, TEXAS
EMPLOYEE POLICY MANUAL
3. EMPLOYEE RESPONSIBILITIES**

3.3 HARASSMENT

- B. **Hostile Environment Harassment:** Actions of managers, supervisors, co-workers, or third parties (customers, sales representatives, subcontractors, etc.) which includes but is not limited to:
1. Unwelcome sexual flirtations, propositions, touches, advances, sexually explicit letters, notes, e-mails, or gifts;
 2. Unwelcome whistling, staring, or leers;
 3. Conduct or remarks that are sexually suggestive or that demean or show hostility to a person because of the person's gender, including jokes;
 4. Graphic verbal comments about an individual's body;
 5. Sexually degrading words used to describe an individual;
 6. The display in the workplace of sexually suggestive objects or pictures.

RELIGION

3.3-7 Employees are entitled to their own religious beliefs or non-belief. While it is not the County's intent to deny any employee's right to freedom of speech, any discussions during working hours regarding religion should be minimal and not meant to harass any individual or to try to convince others of the superiority or inferiority of one religion over another or the necessity of believing in a higher power.

3.3-8 Reasonable efforts will be made to accommodate religious practices and beliefs; requests and concerns should be directed to the Human Resources Director. Religious symbols in an employee's workspace should be limited (as should any other non-work related items) so that the work environment is professional in appearance and safety is not compromised.

REPORTING

3.3-9 An employee who believes he/she has been harassed for any of the reasons listed in this policy should follow the steps outlined in Section 2.10 of this manual (Complaint Procedure). If the supervisor is the subject of the complaint, the employee should notify a higher level supervisor or the Human Resources Director. Complaints that are not resolved to the employee's satisfaction should also be brought to the attention of the Human Resources Director. Complainants and witnesses acting in good faith, even if the complaint is not founded, will be protected from retaliation.

INVESTIGATION

3.3-10 Montgomery County will fully and completely investigate any report of alleged harassment and will take appropriate corrective action depending on the severity of the conduct. The complaining employee will be informed of the action taken. An employee who engages in acts of harassment contrary to this policy may be personally liable in any legal action brought against them.

**MONTGOMERY COUNTY, TEXAS
EMPLOYEE POLICY MANUAL
3. EMPLOYEE RESPONSIBILITIES**

3.3 HARASSMENT

3.3-11 Employees should also be aware that as an employer, Montgomery County has a duty to prevent and correct harassment even when the complaining employee asks that no action be taken and that the complaint be kept confidential.

CONFIDENTIALITY 3.3-12 Interviews, allegations, statements, and identities will be kept confidential to the extent possible and allowed by law. However, Montgomery County will not allow the goal of confidentiality to be a deterrent to an effective investigation, and it may be necessary to reveal certain information to various state or federal agencies or courts.

VIOLENCE IN THE WORKPLACE 3.3-13 It is the intent of this policy to ensure that Montgomery County provides a workplace that is free from intimidation, threats, or violent acts. Montgomery County will not tolerate workplace violence or the threat of violence by any employees, customers, the general public, or anyone who conducts business with the County while on County premises, County-owned property, or County work sites. Montgomery County takes all reported incidents of workplace violence or threatened workplace violence seriously and will investigate any claim of workplace violence or threatened workplace violence in a timely fashion. The County will take any action deemed necessary to provide for the safety of its employees.

3.3-14 Workplace violence includes, but is not limited to, harassment, statements of intent to harm, physical attack, or property damage. Other examples of violence may include:

- a. Teasing and practical jokes that cause anger or humiliation;
- b. Intimidation or bullying;
- c. Angry outbursts;
- d. Verbal abuse, name-calling, or obscene language;
- e. Threats (verbal, written, or motioned);
- f. Harassment (general, racial, or sexual);
- g. Theft, vandalism, or sabotage;
- h. Throwing or breaking objects;
- i. Romantic obsessions and stalking;
- j. Sexual assault or rape; or
- k. Unauthorized possession and use of weapons.

All County personnel are on notice that acts or threats of workplace violence shall not be excused from investigation on the grounds that the actor was “joking,” “blowing off steam,” etc.

**MONTGOMERY COUNTY, TEXAS
EMPLOYEE POLICY MANUAL
3. EMPLOYEE RESPONSIBILITIES**

3.3 HARASSMENT

3.3-15 It is the responsibility of every employee to be alert to the possibility of violence in the workplace. Workplace safety is a major concern for all employees; therefore, employees must refrain from acts of violence and seek assistance to resolve personal issues which may lead to acts of violence in the workplace. All employees are encouraged to openly communicate with each other, and to be aware of any unusual activity that may be an indicator of potential violence. Threats or acts of violence that require immediate or emergency action should be reported to 911.

3.3-16 Any incident of violent behavior, whether committed by a County employee or an external individual such as a customer, vendor, or citizen, must be reported to departmental management. Employees have a duty to warn management of any suspicious workplace activity or situation or incidents that they observe or that they are aware of, that involve other employees, former employees, or the public. If the individual to be reported is an elected official, the report should be made to the County Judge, Sheriff, and/or Human Resources.

3.3-17 Any employee who violates this workplace violence policy will be subject to disciplinary action up to and including termination and/or legal action, as appropriate.