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### 1.0 Equal Employment Opportunities

EMSWCD is committed to equal employment opportunity (EEO), fair employment practices, and nondiscrimination, including pay equity for all employees. EMSWCD recognizes the benefits that come from a diverse workforce, and strives to be consistent with federal, state, and municipal EEO laws. Appointments, promotions, assignments, training, and performance evaluations will be based on individual qualifications and merit, and shall be equally available to all qualified applicants and employees. EMSWCD will not determine wages or screen applicants based on their current or past compensation. Each employee is responsible for helping EMSWCD maintain a climate that provides equal opportunity for all. EMSWCD employs measures to ensure EEO, fair employment practices, nondiscrimination, and pay equity in all aspects of employment and the work environment. Policies and actions of nondiscrimination will prevail throughout every aspect of the employment relationship, including recruitment, selection, compensation, promotion, transfer, layoff and recall, termination, training, and dispute resolution.

In keeping with EMSWCD’s philosophy and applicable laws, advertising and recruiting materials will contain the following statement to encourage qualified applicants to apply: “Equal Opportunity Employer.” EMSWCD’s policy as an equal opportunity employer is to employ those legally entitled to work in the United States without regard to citizenship, ethnic background, or place of national origin.



However, in conformity with the relevant immigration statutes and regulations, EMSWCD's policy is to hire only those who are eligible to work in the United States. Verification documentation is required of all new hires.

## **2.0 Purpose – Statement Prohibiting Workplace Harassment**

EMSWCD is committed to providing a work environment in which all individuals are treated respectfully. All employees of EMSWCD should have the expectation that they work in a professional environment and that EMSWCD promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment and retaliation.

EMSWCD expects that all relationships among persons will be respectful and professional, free of bias, prejudice and harassment in the workplace, at work related events, or any activity coordinated by or through the organization.

## **3.0 Discrimination and Harassment**

This policy applies to all employees, board or committee members, volunteers, interns and any other person acting on behalf of the organizations in the course of accomplishing its work.

Discrimination, harassment and retaliation are not acceptable.

EMSWCD does not condone and prohibits workplace discrimination, retaliation, and harassment in all of its programs and activities on the basis of:

- Age;
- All or part of an individual's income is derived from any public assistance program;
- Color;
- Disability;
- Familial status;
- Gender identity or expression;
- Genetic information;
- Marital status;
- National origin;
- On-the-job injury;
- Parental status;
- Political beliefs;
- Race;
- Religion;
- Reprisals;
- Sex;
- Sexual orientation;
- Veteran status; or
- Any other status protected by applicable law.



EMSWCD will not condone or tolerate prejudicial remarks, actions, slurs, or jokes expressed and directed at or to any person for any reason.

EMSWCD further prohibits retaliation against employees for making complaints of discrimination and harassment (or of any other kind), or for cooperating in an investigation or legal proceeding regarding such complaints.

Each EMSWCD employee has a responsibility to maintain a workplace free of any form of discrimination, harassment, and retaliation. This policy covers employee conduct in the workplace, at social functions when attending on behalf of EMSWCD (e.g., holiday dinners, picnics, sporting events), at business functions (e.g., conferences, trainings), and conduct outside the workplace that has an impact on the workplace. Any employee who violates this policy while conducting EMSWCD business will be subject to disciplinary action, including possible termination.

### 3.1 Americans with Disabilities Act

The Americans with Disabilities Act (ADA), amended by the ADA Amendments Act of 2008, is a comprehensive federal civil rights law that specifically protects qualified individuals with disabilities from discrimination in the workplace. The ADA also prohibits discrimination on the basis of an individual's relationship to someone (parent, sibling, child, spouse, friend, etc.) with a disability.

It is EMSWCD's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. Additionally, the ADA and Oregon disability law require employers to reasonably accommodate qualified individuals with disabilities. It is the policy of EMSWCD to comply with all federal, state, and local laws concerning the employment of persons with disabilities. EMSWCD will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of the job in question as long as doing so does not create an undue hardship for EMSWCD. An individual who can be reasonably accommodated for the job in question, without undue hardship, will be given the same consideration for that position as any other employee or applicant.

Employees/applicants with a disability who believe they need a reasonable accommodation to perform the essential functions of their job or the job for which they are applying should contact the direct supervisor of the position.

### 3.2 Harassment Prevention

EMSWCD does not tolerate harassment of any kind. No employee shall be subjected to harassment.

#### 3.2.1 Sexual Harassment:

Sexual harassment constitutes discrimination and is illegal under federal and state laws.

For the purposes of this policy, "sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature (verbal, physical or visual) that is offensive, hostile or intimidating when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of



such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) 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.

Under Oregon Law sexual assault is defined as unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation.

Sexual harassment may also include conduct that is not sexual in nature, but is gender-related. Sexual harassment can be instigated from someone of any gender and directed toward someone of any gender. This includes any type of sexual harassment by anyone connected to EMSWCD – a vendor, partner, client, or any person doing business or involved with EMSWCD in any way.

### 3.2.2 Harassment:

**Harassment** based on any other protected class is also strictly prohibited. For this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual's work performance, or c) otherwise adversely affects an individual's employment opportunities. Examples of harassment include, but not limited to, offensive slurs, remarks, jokes, graphic images, gestures, verbal or written material, and physical conduct.

### 3.3 Workplace Bullying

EMSWCD focuses on customer service, productivity, and the ability for each employee to flourish. This makes it essential that employees treat each other, and those with whom they come into contact, with courtesy, respect, and professionalism. Further, employees must work cooperatively and constructively in resolving issues or problems on the job to foster satisfactory working relationships. In that light, bullying and other similar disruptive behavior is prohibited by EMSWCD in or related to the EMSWCD workplace.

**Bullying** includes repeated or one-time inappropriate behavior, either direct or indirect, whether verbal, non-verbal, or physical, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Bullying may be intentional or unintentional. Verbal bullying can include, but is not limited to: slandering, ridiculing, or maligning a person; name calling that is hurtful, insulting, or humiliating; using a person as a butt of jokes; or abusive and offensive remarks. Physical bullying can include, but is not limited to touching, pushing, shoving, or making a threat of physical assault, as well as damage to a person's work area, personal possessions, or property. Other examples of emotional bullying include threatening gestures or glances, which can convey the same message, and excluding someone socially at work.

Additional examples of bullying include:

- Making false, defamatory, or discriminatory comments on Facebook, texting, misuse of other forms of social media;
- Public humiliation in any form;



- Criticism on matters unrelated or minimally related to the person’s job performance or description;
- Spreading rumors and gossip regarding individuals;
- Interfering with the ability of someone to do their job duties, or assigning menial tasks not central to the job; and
- Taking credit for another person’s ideas.

Bullying, whether exhibited between co-workers, management and staff, board members, vendors/customers or other outside parties, or members of the public, violates EMSWCD’s policy. This policy also applies to off-site behavior exhibited by employees that negatively impacts working relationship.

EMSWCD’s goal is to create and maintain a worker friendly environment. EMSWCD will take the actions necessary to ensure that employees are treated with respect and regard.

#### **4.0 Reporting Incidents of Discrimination, Harassment, Retaliation, and Bullying**

EMSWCD provides and supports a dispute resolution procedure for receiving and resolving complaints alleging discrimination, harassment, retaliation, and/or bullying. Employees of EMSWCD have the right and responsibility to immediately report any actions or words by a board member, supervisor, co-worker, vendor, or other individual that the employee believes to be discriminatory, harassing, retaliatory, or bullying.

EMSWCD further prohibits retaliation against employees for making complaints of discrimination, harassment, retaliation, and bullying or for cooperating in an investigation or legal proceeding regarding such complaints.

#### **4.1 Complaint Procedure**

Any EMSWCD employee who feels he or she has experienced or witnessed discrimination, harassment, retaliation, and/or bullying should immediately report (verbally or in writing) the incident to a supervisor, the Executive Director, the Personnel Committee or committee member, or a Board Director. The employee experiencing and/or reporting the issue may choose who to report the incident to based on that employee’s level of comfort in reporting the incident to the receiving person.

We encourage employees to document the event(s), associated date(s), and potential witnesses.

EMSWCD encourages the prompt reporting of complaints or concerns so that action can be taken quickly. Early reporting and intervention are very often the most effective method of resolving actual or perceived incidents of harassment. However, complaints and concerns may be brought forward within four years of the alleged violation.

EMSWCD will promptly and thoroughly investigate all complaints without prejudice or retaliation. The investigation will be conducted promptly, but no specific timeframe can be guaranteed because each situation is likely to be different, and individuals may have varying schedules. When an allegation is made, the intent of the alleged offender will be considered. However, the effect of the behavior upon



the targeted individual will often be given primary weight. To the extent practicable, legally required, and appropriate under the circumstances, discretion will be used during the investigation in order to maintain as much confidentiality as possible while effectively completing the investigation. In all cases, employees reporting such issues will be generally advised of the outcome. Any employee who has been found to discriminate, harass, retaliate, or bully another individual while conducting EMSWCD's business will be subject to disciplinary action, including possible termination.

Following receipt of a complaint or concern management will follow-up every three months for one year to ensure no further concerns or retaliation are experienced. However, employees should not wait for the follow-up to share related experiences. If an employee would like to discontinue the follow-up process a request must be submitted in writing to the EMSWCD representative who was assigned to follow-up with the individual.

False and malicious complaints of harassment, discrimination or retaliation, as opposed to complaints that, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

Employees are encouraged to bring their concerns and complaints to the organization. However, EMSWCD understands that, at times, this may not be the choice of the employee. Below is a list of the external complaint options. Please reach out to the preferred choice to determine the appropriate timelines for their processes.

- Oregon Bureau of Labor and Industries at the following web address:  
[https://www.oregon.gov/boli/CRD/Pages/C\\_Crcompl.aspx](https://www.oregon.gov/boli/CRD/Pages/C_Crcompl.aspx)
- The federal Equal Employment Opportunity Commission (EEOC)
- Civil or Criminal Action. In these circumstances, a Notice of Claim must be provided to us in accordance with ORS 30.275.

#### 4.2 Reporting Civil Rights Violations

Alleged discrimination may also be reported to the Oregon Civil Rights Commission and the Federal Equal Opportunity Employment Commission. Hiring processes must comply with the Civil Rights Clause of the Cooperative Working Agreement, which states:

“The parties will be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended. The Civil Rights Restoration Act of 1987 (Public Law 100-259) and other nondiscrimination statutes, namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, Americans with Disabilities Act of 1990, and in accordance with regulations of the Secretary of Agriculture (7CFR-15, Subparts A & B) which provide that no person in the United States shall, on the grounds of race, color, national origin, age, sex, religion, marital status, or disability be excluded from participation, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the Department of Agriculture or any agency thereof.”



### 4.3 Reporting Other Issues

Complaints of discrimination, harassment, retaliation, and bullying should be reported as described above. Any other questions or concerns employees may have (which may not neatly fit the situations described above) should also be discussed with immediate supervisors, the Executive Director, Personnel Committee, or individual board members.

### 5.0 Appeal Process

A formal Personnel Committee review is permitted in cases where employees believe a decision regarding a complaint demonstrates that EMSWCD policy has been inappropriately applied or that the employee has been unfairly treated or unjustly disciplined. The Executive Director will review the issue with the Personnel Committee and a conclusion will be drawn regarding the appropriateness of the original determination. If the employee remains unsatisfied with the decision, at the discretion of the Chair of Board of Directors, the issue may be presented to the full EMSWCD Board of Directors for review and settlement. The decision of the Board will be final. All cases will be reviewed on an individual basis.

### 6.0 Employment Agreements

No employee will be required or invited to sign an agreement requiring the non-disclosure of information related to discrimination or sexual assault as a condition of employment, continued employment, promotion, compensation or the receipt of benefits. An employee may request this type of agreement and, upon request, will be provided at least seven (7) days to change their mind.

### 7.0 Additional Employee Support Services

Employees may choose to use other support services throughout and following instances related to concerns and complaints. The organization provides the following for additional assistance:

- Counseling and Support Services and/or Employee Assistance Services available through the EMSWCD health insurance coverage.

Access to legal resources, counseling or other support services may be made available to employees on a case by case basis with the approval of the Executive Director, the Personnel Committee or the Board of Directors.