



BENTON COUNTY POLICY AGAINST DISCRIMINATION AND HARASSMENT AND REPORTING PROCEDURES

Benton County officials are committed to equal employment opportunity, and it is the policy of Benton County to ensure that all employees have a work environment that is free from conduct prohibited by this policy.

This policy provides guidelines for identifying, reporting, and resolving claims of unlawful discrimination, harassment, and retaliation.

Types of Discrimination and Harassment That Are Prohibited

Benton County officials strictly prohibit and do not tolerate unlawful discrimination or harassment on the basis of age, sex (including pregnancy), gender identity or expression, marital status, genetic information, sexual orientation, race, color, creed, religion, national origin, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability or use of a trained dog guide or service animal by a person with a disability, protected activity, or any other protected status, as provided by, and protected under, federal, state or local law.

Such discrimination is prohibited in all terms and conditions of employment and employment-related decisions, including but not limited to, hiring, assignment, compensation, benefits, leave of absence, training, promotion, discipline, termination, layoff, recall, or any other discrete, adverse employment action against an employee that is based on any of the above attributes or conditions.

Harassment is unlawful and prohibited by this policy if an employee's protected status is a substantial basis for such harassment, which can occur in a variety of ways and can include derogatory comments, jokes, names, or pictures, acts of physical aggression, intimidation, hostility, or unequal treatment based on a protected status. The harasser can be the victim's supervisor, an agent of Benton County, a supervisor in another area, a co-worker, or a non-employee. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

Prohibited Retaliation

Benton County officials do not tolerate retaliation of any kind against any employees for engaging in activity under this policy, including opposing unlawful discrimination or harassment, making a discrimination or harassment complaint, or participating in an investigation of a complaint under this policy. Elected officials, department managers, and supervisors may not take adverse employment actions that substantially affect the terms, conditions, or privileges of an employee, including discipline, discharge, layoff, or failure to promote, because such employee in good faith reports discrimination or harassment potentially prohibited under this policy or cooperates in the investigation of a complaint under this policy, regardless of whether the complaint was ultimately determined valid or not.

Prohibited conduct hereunder includes any adverse treatment that is based on a retaliatory motive and that is reasonably likely to deter an individual from engaging in protected activity. Any perceived retaliation should be immediately reported to the appropriate person set forth below under Reporting Procedures. Retaliation in violation of this policy may result in disciplinary action, up to and including termination of employment.

Sexual Harassment Is Prohibited

Sexual harassment is one form of unlawful sex discrimination. It is not tolerated and is strictly prohibited. Sexual harassment includes 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 employment; or
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Examples of types of sexual harassment include:

- Verbal Conduct: sexual comments, innuendoes, suggestions, jokes, obscenities, propositions, pressure for dates or sexual favors, comments about another person's anatomy or physical attributes, discussion of sexual activities, demeaning names or terms.
- Non-Verbal Conduct: suggestive looks, gestures with sexual connotation, sexual pictures, cartoons, drawings.
- Physical Conduct: touching, cornering, blocking.

Other prohibited conduct includes aggressive, harassing behavior in the workplace, whether sexual in connotation, that is directed toward an employee based on the employee's gender identity.

The victim as well as the harasser may be of any sex. The victim does not need to be of the opposite sex.

Reporting Procedures

Any employee who believes they have been subjected to discrimination or harassment in violation of this policy, who believes they have witnessed discrimination or harassment in violation of this policy, or who believes they have been subjected to retaliation in violation of this policy, is to do the following:

- If possible, inform the harasser (if harassment is alleged) that the conduct is unwelcome and must stop; **and**
- Promptly report the discrimination, harassment, or retaliation to the elected official or department manager for their department. Alternatively, employees may report discrimination or harassment directly to the Human Resource (HR) Manager employed by the County Commissioners. The HR Manager can be reached at 509-737-2777 or 509-440-3787.

Employees are encouraged to report discrimination, harassment, and retaliation that are in violation of this policy at the earliest possible time.

Complaints may be made either verbally or in writing. Complaints are to be made in good faith. Benton County officials will protect the confidentiality of discrimination, harassment, and retaliation complaints to the extent possible under the law. If complaints are made anonymously, they will be investigated only if sufficient information for an investigation is provided.

If made in writing, the complaint should include a description of the alleged violation(s), the date the violation(s) occurred, any known witnesses, and the name, signature, address, and phone number of the person filing the complaint. The complaint must include sufficient information to allow the investigating party to determine the substance of the complaint.

Employees may also file a complaint and pursue external remedies, within certain time frames, with appropriate state and federal agencies, including: (State Government) the Washington State Human Rights Commission or (Federal Government) the Equal Employment Opportunity Commission. Employees should contact those agencies for information about timelines for filing a complaint and should first attempt to exhaust their remedies as outlined in this policy.

In addition to investigation and support by the Board of Commissioners' HR Department, other support resources are available, including the Employee Assistance Program.

Confidentiality and Public Disclosure

All complaints and investigatory information will be maintained on a confidential basis to the greatest extent possible under the law. However, an investigator may directly or indirectly disclose information if necessary to conduct a reasonable investigation, and such information may be subject to disclosure under the Washington's Public Records Act, RCW 42.56, Washington's Public Employees' Collective Bargaining Act, RCW 41.56, or in connection with litigation.

Investigation of Complaint

Benton County officials, through its elected officials and their staff or contractors, will conduct prompt, thorough, and impartial investigation of allegations in complaints of discrimination, harassment and/or retaliation in violation of this policy. Investigations are conducted as soon as practicably possible after the report of discrimination, harassment or retaliation is made.

Immediately Report to Elected Official or Department Manager: All managers and supervisors who receive a complaint of discrimination or harassment are to immediately report the complaint to the elected official or department manager for their department. If the HR Manager receives a complaint of discrimination, harassment, or retaliation, they are to immediately report the complaint to the appropriate elected official or department manager, unless said elected official or department manager is one of the subjects of the complaint.

Immediately Report to HR Manager and Prosecuting Attorney's Office: All discrimination, harassment, or retaliation complaints are to be forwarded immediately to the Board of Commissioners' HR Manager. The Prosecuting Attorney's Office shall promptly be notified of all complaints and investigations.

The appropriate elected official or department manager will coordinate the investigation with the HR Manager; provided, however:

- If the complaint of discrimination, harassment or retaliation is against an employee from a different department, the elected official or department manager supervising the complaining employee will also coordinate the investigation with the elected official or department manager supervising the subject(s) of the complaint.
- If the complaint is against an elected official, department manager, or the HR Manager, the Prosecuting Attorney and/or outside legal counsel selected by the Prosecuting Attorney will coordinate the investigation. If the complaint is against a County Commissioner, the County Administrator, or the Deputy County Administrator, the HR Department will not conduct the investigation. If the complaint is against the Prosecuting Attorney, outside legal counsel will conduct the investigation.

At a minimum, the investigation should include information from the complainant, alleged harasser, witnesses identified by those individuals, and other persons who could reasonably be expected to have relevant information. The person coordinating the investigation is to ensure that the investigation is conducted in an objective manner.

The extent of the investigation will be based on the nature of the complaint, facts contained in the complaint, and other factors. For example, a complaint regarding a one-time occurrence with no witnesses that is corroborated by the complainant and accused harasser would require no further investigation. However, a complaint involving several alleged occurrences of harassment, or a more general complaint may require more extensive investigation.

A summary of the findings of the investigation will be made available to the complainant and the accused, redacted if necessary and possible to comply with any legal confidentiality obligations, unless the complainant and/or any witness affirms in writing that their identity should not be redacted.

Corrective and Disciplinary Action

Following investigation, if there is a finding of discrimination, harassment, or retaliation in violation of this policy, the Benton County elected official supervising the subject of the complaint will take prompt, appropriate, and effective corrective action to stop the discrimination, harassment, or retaliation, correct its effects on the employee(s), and use all reasonable efforts to ensure that the conduct does not reoccur. **Any employee found to have engaged in discrimination, harassment, or retaliation in violation of this policy or to have otherwise violated this policy may be subject to disciplinary action, up to and including termination of employment.**

Approved and accepted by the undersigned Benton County Elected Officials:

**BENTON COUNTY
BOARD OF COMMISSIONERS**



Will McKay, Chair




Jerome Delvin, Commissioner


Michael Alvarez
Approved Telephonically

Michael Alvarez, Commissioner

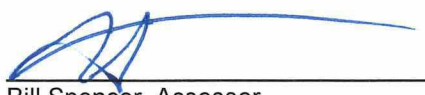
Date:

SUPERIOR COURT



Hon. Jacqueline Shea-Brown, Presiding Judge
Date:

DISTRICT COURT


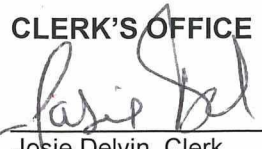
Hon. Dan Kathren, Presiding Judge
Date: 7/13/23

ASSESSOR'S OFFICE


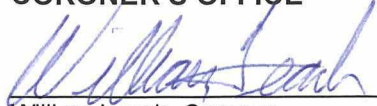
Bill Spencer, Assessor
Date: 7/11/2023

AUDITOR'S OFFICE



Brenda Chilton, Auditor
Date: 07/13/2023

CLERK'S OFFICE


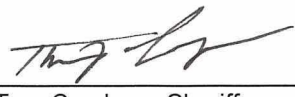
Josie Delvin, Clerk
Date: 7-5-23

CORONER'S OFFICE


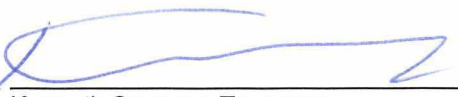
William Leach, Coroner
Date: 06/16/2023

PROSECUTING ATTORNEY'S OFFICE


Eric Eisinger, Prosecuting Attorney
Date: 7/13/2023

SHERIFF'S OFFICE


Tom Croskrey, Sheriff
Date: 6/22/2023

TREASURER'S OFFICE


Kenneth Spencer, Treasurer
Date: 7/11/2023