

**RESOLUTION NO. \_\_\_\_\_, SERIES OF 2023**

**RESOLUTION AMENDING THE MARCH 2019 EDITION OF THE FREMONT COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL, CHAPTER 2, RECRUITMENT, SELECTION AND HIRING**

WHEREAS, pursuant to C.R.S. 30-2-104 the Board of County Commissioners is authorized to adopt Personnel Policies and Procedures; and

WHEREAS, the Board of County Commissioners, with consent of all elected officials, adopted the March 2019 Fremont County Personnel Policies and Procedures; and

WHEREAS, the Board of County Commissioners has determined the need to amend Chapter 2, Recruitment, Selection and Hiring, adding Section 2.10 Colorado Protecting Opportunities and Workers' Rights Act; and

WHEREAS, a copy of the amended Chapter 2 is attached to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED:**

1. Amend Chapter 2, Recruitment, Selection and Hiring, adding Section 2.10 Colorado Protecting Opportunities and Workers' Rights Act to the Fremont County Personnel Policies and Procedures Manual, March 2019, is hereby approved and adopted, effective immediately.

5. A copy of this Resolution shall be included as part of the 2019 Manual.

6. An electronic copy of this Resolution with the amended policy will be placed on the Employee Self Service portal.

Commissioner \_\_\_\_\_ moved adoption of the foregoing Resolution, seconded by Commissioner \_\_\_\_\_ and approved by roll call vote as follows:

Debbie Bell	Aye	Nay	Abstain	Absent
Kevin Grantham	Aye	Nay	Abstain	Absent
Dwayne McFall	Aye	Nay	Abstain	Absent

Date: \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
Clerk to the Board

## **CHAPTER 2**

### **RECRUITMENT, SELECTION AND HIRING**

Amended by Resolution 44 of 2021

Amended by Resolution 00 of 2023

#### **2.01 Equal Employment Opportunity**

Fremont County fully supports the Equal Employment Opportunity regulations and intent. The County provides an Equal Employment Opportunity to all employees and applicants for employment without regard to age (40 or older), disability, race, color, religion, sex (including pregnancy), national origin, genetic information or sexual orientation. Equal Employment Opportunity includes but is not limited to recruitment, hiring, compensation, access to training, promotion, transfer, demotion, termination and other conditions of employment. It is expected all Elected Officials, all employees and volunteers will inform themselves of these laws and comply with them to the best of their knowledge and ability.

The County intends for all employees to have a safe work environment free from all forms of discrimination, including unlawful harassment and unlawful retaliation. Workplace discrimination or harassment based on age (40 or older), disability, race, color, religion, sex (including pregnancy), national origin, genetic information or sexual orientation is considered a violation of these policies and practices.

It is the singular and collective responsibility of all employees to deal fairly and honestly with their peers, subordinates and superiors to ensure a work environment free of discrimination and harassment.

Fremont County does not condone or tolerate any form of discrimination or harassment prohibited by federal, state and local laws. Any employee or applicant who believes they have been discriminated against or harassed based on age (40 or older), disability, race, color, religion, sex (including pregnancy), national origin, genetic information or sexual orientation should file a complaint identifying the offending behavior or comments, in writing, to the attention of your immediate supervisor, Department Head, an Elected Official, County Manager or the County Human Resource Department. Federal law prohibits any retribution or retaliation of any form against a complainant for reporting discrimination or harassment. Any complaint reported to County authorities will be investigated promptly, fully and objectively.

Fremont County will review the findings of the investigation with the complainant at the conclusion of the investigation. If the investigation reveals the complaint has merit, immediate and appropriate corrective action, up to and including termination of employment against the offending party, will be taken. If the merits of the complaint cannot be determined, immediate and appropriate action will be taken to assure all parties are re-acquainted with the discrimination or harassment policy.

Should the investigation reveal a meritless complaint, and that the complaint was filed for the purpose of harassment, had a malicious intent or to cause undue hardship to the person(s) accused, appropriate disciplinary action may be taken against the party filing the complaint.

## **2.02 Immigration Reform and Control Act Compliance**

Fremont County complies with the Immigration Reform and Control Act of 1986, Public Law 99-603 (8 USC 1324a) and shall have on file for all employees hired after November 6, 1986, a USCIS Form I-9 along with a photocopy of the documents used to prove identity and authorization to work in the United States. Fremont County also complies with all state laws regarding verification of lawful presence in the United States of America and immigration, including prohibitions on contracting with or hiring of persons who are not lawfully residing in the country. The Human Resource Department, with the assistance and cooperation of the Elected Officials and department designees, shall complete the form for each and every newly hired individual, regardless of status. The provision of documentation to prove identity and authorization to work in the United States shall be a "condition of employment" with Fremont County. Employees will complete the form on their first date of employment. The Human Resource Department will enter the information contained on the USCIS Form I-9 into the E-VERIFY system within 3 working days of the employees first date of employment. The USCIS Form I-9 will be maintained in a separate file. Once an individual's employment ends, the USCIS Form I-9 will be retained for either 3 years after the date of hire or 1 year after the date employment ends, whichever is later.

## **2.03 Recruitment**

Recruitment for a vacant employment position will be developed by the Elected Official or Department Head in coordination with the Human Resource Department. The Elected Official or Department Head will work in conjunction with the Human Resource Department to develop a thorough and accurate job description containing a description of the essential job functions, required qualifications including education, experience, language skills, mathematical skills, reasoning ability, any additional specific knowledge, skills and abilities to perform the essential job functions, any required certificates, licenses or registrations to perform the essential job functions, supervisory responsibility of the position, a statement specifying who the incumbent of the position reports to, the specific physical demands and work environment of the position.

To support and reinforce an employee's opportunity for advancement or to experience growth through a change in environment, current county employees are guaranteed an interview for positions for which they are interested, submit an application and meet minimum posted qualifications. To be considered, current employees must submit a completed county application and all required documentation as stated in the job posting, if not already on file in their Official Personnel File. If the Elected Official or Department Head deems the employee is not qualified for the position and chooses not to interview them, the employee may request an explanation of why they failed to meet minimum qualifications.

- A.) Internal job postings will be posted for a minimum of two (2) days, and not more than five (5) days. External job postings will be posted for a minimum of five (5) days. All job postings will be posted on the bulletin board located in the County Administration Building outside of the Human Resource Department and forwarded electronically to all employees, as well as

any other available sources for posting open positions. Those departments with limited email access will share the posting with all employees within their respective departments through electronic means or posting in a general area. External job postings will be posted on the County Website.

- B.) The decision to post openings outside the organization will be made by the Elected Official or Department Head in conjunction with the Human Resource Department. Additional resources for job postings are the Colorado Workforce Center and other websites which are identified and free of charge.
- C.) Internal job postings must follow an established procedure to ensure fair and equitable treatment of all staff currently employed by the County. All job postings will be distributed by the Human Resource Department.

Elected Officials or Department Heads may choose to use the Colorado Workforce Center resources for recruiting, testing and training for open positions.

Elected Officials retain full discretion to hire deputies and other appointed personnel who serve at the pleasure of the Elected Official, as authorized by C.R.S. 30-2-104. Formal posting and advertising for such appointed deputies and other personnel shall be subject to the discretion of the Elected Official. The Board of County Commissioners retains the budgetary right of approval for the classification and compensation of deputies and appointees in accordance with state law.

## **2.04 Selection**

Selection of County employees will be based on the applicant's or employee's knowledge, skills, abilities and qualifications, relative to the other applicants, to determine whether the person is likely to successfully perform the essential job functions of a position. Elected Officials or Department Heads are responsible for applying these principles to the selection of applicants and employees.

## **2.05 Nepotism –Personal Relationships in the Workplace**

**Personal Relationship** shall mean marital, civil union, or other committed relationship, significant familial relationship, or consensual sexual or romantic relationship.

**Significant Familial Relationship** shall mean a parent, spouse, civil union partner, child, grandchild, grandparent, brother, sister, nephew, niece, aunt, uncle and the in-laws of the same relationship. A person adopted is also a relative as used herein. This definition shall be interpreted to include relationships by marriage (step-relation or half-relation).

In the interest of maintaining impartial and fair employment practices, no employee shall be hired, transferred to, promoted to, demoted to or rehired in a position within the same department or office as another employee having supervisory authority over the other if the two employees are involved in a personal relationship.

An employee shall not be allowed to secure or maintain employment with the County if a financial conflict of interest exists. A financial conflict of interest exists if a person with whom the employee maintains a personal relationship makes or could make approvals for expenditures or other financial matters for such employee, including payroll access.

Existing employees who marry, enter into a civil union, or otherwise establish a personal relationship, may continue employment so long as one is not the immediate supervisor over the other, and a financial conflict of interest does not exist. When feasible, one of the employees will be transferred to a different department, office or position. If it is not feasible to transfer one of the employees, one of the affected employees may be required to terminate employment with the County.

## **2.06 Physical Examination, Drug Screening**

Any physical, mental, drug or alcohol examination or test shall be administered in accordance with the ADA, as amended. Initially, such tests may only be required to assure ability to perform the essential job functions of the position. For further guidelines, consult the Human Resource Department and US DOL guidance on pre-employment and post-employment testing. Application of qualification standards, tests, or selection criteria for the purpose of screening out, or with the intent to screen out or otherwise deny a job or benefit to an individual with a disability is allowable if it tests the essential functions of the job and is therefore job-related and consistent with business necessity. If an applicant's ability to perform the essential job functions cannot be accomplished by reasonable accommodation then the Elected Official or Department Head can non-select the applicant based on the totality of the circumstances.

County employees and applicants who are or may be in a position which requires a Commercial Driver's License (CDL) must successfully pass a Department of Transportation medical examination and drug/alcohol screening or acquire exemptions from the Colorado Department of Public Safety, before being allowed to operate job-required County motor vehicles or equipment.

New hires for the Department of Transportation must successfully pass a post-offer/pre-employment medical examination and drug/alcohol screening if selected for a position requiring a CDL.

New hires for the Sheriff's Office must successfully pass a post-offer/pre-employment physical, back screen and drug screen.

New hires for the Facilities Department must successfully pass a post-offer/pre-employment physical and drug screen.

New hires for the Airport must successfully pass a post-offer/pre-employment physical and drug screen.

## **2.07 Other Examinations, Tests or Training Courses**

Any written or computer generated examination or test shall be administered in accordance with the ADA, as amended. For further guidelines, consult the Human Resource Department and US DOL guidance on pre-employment and post-employment testing.

If an Elected Official or Department Head administers a written or computer generated examination or test to determine ability to perform the essential functions of the position, the examination or test shall be given to all applicants who have been selected for consideration by the County. Examinations and tests may include typing, data entry, mathematical skills, or reasoning skills. These tests will normally be administered by the hiring department or office, or its designee, including the Colorado Workforce Center or other agency with applicable examinations, tests or training courses.

The Department of Human Services may require a written or computer generated examination for all positions.

The Sheriff's Office may require a computer generated examination to test for basic typing, mathematical skills and data entry for the office support staff. All Detention Deputies must pass a written examination, attend and pass the Pre-Service Training presented by the Sheriff's Office. All Patrol Deputies must pass a written examination and be P.O.S.T. Certified, or certifiable.

## 2.08 Background Investigations

Fremont County reserves the right to perform background investigations and reference checks on any or all job applicants and current employees being considered for certain positions. The applicant or employee will be notified of any requirement to pass a background investigation. Positions identified as requiring a background investigation may include positions responsible for financial information, accounts or handling money; specific law enforcement duties with access to detainees, contraband, law enforcement records, or property of detainees; positions handling identity documents or homeland security duties if required by federal homeland security laws; and positions required by law to have criminal background checks, such as positions which are responsible for direct care or transportation of children or adults who are frail, disabled or elderly.

Background investigations may be a limited investigation or full field investigation. The investigation may include but is not limited to a local law enforcement check, a check of the State of Colorado court system, fingerprints which are obtained and processed through the Colorado Bureau of Investigation or the Federal Bureau of Investigations, driving history and criminal history in CCIC and NCIC systems, an integrity interview or psychological examination.

The Department of Transportation requires new hires to provide their driving history prior to, or on the first day of employment. This is obtained by contacting the Department of Motor Vehicles. Applicants or employees must provide complete employment information on past operator positions for the last three (3) years to request and obtain the required verifications of citations, accidents and drug/alcohol screenings. CDL drivers must provide their FMSCA Clearinghouse information for proper completion of an initial and annual query.

The Sheriff's Office requires new Deputies to pass an in-depth background investigation, including an integrity interview and P.O.S.T. certified, or certifiable, P.O.S.T. Certified Deputies require a psychological evaluation. Office support staff are subject to a limited background investigation.

The Department of Human Services requires new hires to pass an in-depth background investigation for specific positions.

The Facilities Department requires new hires to pass a limited background investigation if they have access to the Judicial Building and the Sheriff's Office.

The Airport may require new hires to pass a limited background investigation.



Applicants or employees who are subject to a background investigation and fail to satisfactorily pass any aspect are subject to immediate termination.

## **2.09 Americans with Disabilities Act Compliance**

### **A.) Non-Discrimination Statement**

Fremont County prohibits discriminatory hiring and employment practices against qualified individuals with disabilities. Prohibited practices include those affecting the job application procedures, hiring, advancement, job training, compensation, discharge and other terms, conditions and privileges of employment.

### **B.) Reasonable Accommodation**

The County recognizes reasonable accommodation for individuals who meet the Americans with Disabilities Act (ADA) definition of an individual who:

- 1) Has a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- 2) Has a record of such an impairment; or
- 3) Is regarded as having such an impairment.

Major Life Activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Reasonable Accommodation means a change or adjustment to a job, the work environment or the way tasks are generally accomplished which allows an individual with a disability to apply for a job, perform the essential job functions or have equal access to benefits available to other individuals in the workplace. Reasonable accommodations can be in many different forms in the areas of physical change of the work environment, accessible and assistive technology, accessible communications or policy enhancements.

A qualified employee or applicant with a disability is one who meets legitimate skill, experience, education, or other requirements of the position and who can perform the essential job functions of the position in question, with or without reasonable accommodation. The County will provide reasonable accommodations to enable an employee or potential employee to apply for, test for, or to perform the essential job functions of the position, unless the accommodation would impose an undue hardship on the County.

It is the responsibility of the individual to request a reasonable accommodation through the Elected Official or Department Head. The Elected Official or Department Head will work with the Human Resource Department to discuss the request for accommodation, the impact of the request on the County and to have open dialogue with the individual to assess the situation and make a determination as to what accommodation is appropriate, if any.

The County will accommodate only the identified or known limitations of the individual with the disability. This includes any perceived limitations which have been observed, noted, recorded or discussed by supervisors or coworkers.

The County emphasizes continued communication between the employee and Elected Official or Department Head as essential to a successful work environment. The employee must keep the appropriate County officials and supervisors informed of any changes in status.

### C.) Undue Hardship

The County will make every effort to accommodate an individual with a disability. It is not required to make an accommodation if it would impose an undue hardship on County operations, programs or employees.

"Undue hardship" means significant difficulty or expense and focuses on the resources and circumstances in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations which are unduly extensive, substantial, or disruptive, or those which would fundamentally alter the nature or operation of the County.

It is the County's obligation to demonstrate the necessary possible accommodation(s) will be a hardship, such as showing quality or quantity standards of production cannot be met, scheduling cannot be achieved, or essential job functions will not get performed in a timely or sufficient basis.

In determining undue hardship the following factors will be considered:

- 1) The nature and cost of the accommodation needed;
- 2) The overall financial resources of the department making the accommodation, number of employees in the Office and the effect on the Office operations, expenses and resources;
- 3) The overall financial resources of the County, the overall size of the County with respect to the number of its employees and the number, type and location of its Offices;
- 4) The type of county operations, including the composition, structure and functions of the workforce of the County and the geographic separateness and administrative or relative fiscal

- responsibility of the Office in question; and
- 5) The impact of the accommodation upon the operation of the Office, including the impact on the ability of other employees to perform their duties and the impact on the Office's ability to conduct business.

County offices and departments will first consider reasonable accommodation measures on a case-by-case basis with respect to their budgeted resources. The County is not required to lower its quality or production standards to make an accommodation; nor is the County obligated to provide personal use items such as glasses or hearing aids. If the office or department does not have adequate budgeted resources, then a request for assistance from the Elected Official or Department Head and the Human Resource Department shall be made in writing to the County Manager.

If the County determines the cost of the accommodation imposes an undue hardship on the County, the individual will be offered the option of paying for the portion of the cost constituting the undue hardship, or providing the accommodation.

Employees who constitute a direct threat to the health or safety of themselves or others are excluded from this definition of "qualified employee or applicant with a disability". A "direct threat" is imminent and reasonably foreseeable based on known facts and not of a speculative or insubstantial nature.

#### D.) Process to Request a Reasonable Accommodation

When an applicant or employee with a disability requests an accommodation, the request will be made in writing to the Elected Official or Department Head and the Human Resource Department. The request shall state what specific accommodation is requested. The County may request the applicant or employee to provide written documentation from a certified practitioner specifically defining the disability and the limitations on major life activities resulting from the disability. All medical documentation will be provided to the Human Resource Department; it is not to be maintained by the Elected Official or Department Head.

The Elected Official or Department Head and the Human Resource Department will review the request and determine if the individual is a "qualified individual with a disability" based on the information provided. The person will be notified in writing of the results of the review. If it is determined the disability falls under the ADA, the following steps will occur:

- 1) The Elected Official or Department Head and the Human Resource Department will review the purpose and essential job functions of the position;
- 2) The Elected Official or Department Head and the Human Resource Department will meet with the individual to review the individual's specific limitations as they relate to the essential job functions;
- 3) Alternatives to the requested accommodations will be identified, discussed and assessed with the

person with a disability relative to effectiveness. If several accommodations are identified, the County will choose the accommodation to best serve the needs of the individual and the County. If the review of an accommodation identifies potential risks if the accommodation is granted the Elected Official or Department Head and the Human Resource Department will identify and describe the risk. If an accommodation is denied by the County, the Elected Official or Department Head and the Human Resource Department will provide the employee a written statement explaining why the accommodation is denied; or

- 4) The County may request a medical examination or questionnaire to determine if a requested accommodation is appropriate or may consult with subject matter experts regarding alternative reasonable accommodations based on the information provided by the individual.
- 5) The County is not required to create a new job or provide a reassignment as a reasonable accommodation, nor is the County required to promote an individual with a disability to make an accommodation.
- 6) The County is not required to reallocate essential job functions as a reasonable accommodation nor is it required to create a job to fit the individual's abilities.
- 7) The individual with the disability has the right to refuse an accommodation.
- 8) The Elected Official or Department Head and the Human Resource Department will document all efforts to provide reasonable accommodation.

If the employee is released to full duty and it is determined the employee has no disability under the ADA, then no obligation of accommodation will be required.

If the employee has been determined to have a disability under the ADA and an accommodation is possible, then the employee will be returned to work with the reasonable accommodation.

Job reassignment as a reasonable accommodation may be considered if a position is vacant and the employee meets legitimate skill, experience, education, or other requirements of the position and can perform the essential job functions. If reassignment results in being placed in a position with a lower salary range classification, the salary will be determined in accordance with the employee's qualifications and experience specifically related to the job reassignment.

An employee may appeal any action taken in relation to the application of ADA guidelines under Policy 11.03 Employee Grievances and Appeals of this Manual.

#### E.) ADA and Worker's Compensation Injuries

- 1) Application of the ADA in a Worker's Compensation case will depend on whether or not the individual meets the ADA definition of a qualified individual with a disability and not the determination of "Maximum Medical Improvement" or the right to return to work without restrictions under workers' compensation regulations in the State of Colorado.
- 2) The Human Resource Department will consider work-related injuries on a case-by-case basis to determine the applicability of ADA requirements.

The County Worker's Compensation Insurance carrier will have obtained relevant medical information about the employee's functional abilities, limitations and work restrictions. The County Worker's Compensation Insurance Carrier, the Human Resource Department and the applicable Elected Official or Department Head will determine the most appropriate action under the workers' compensation rules.

An employee's medical information may only be used to determine the readiness for an employee's return to work and their essential job functions under the ADA, although it may be considered along with other information and the interactive process before an ADA determination is final.

## **2.10 Colorado Protecting Opportunities and Workers' Rights Act**

Fremont County fully supports the Colorado Protecting Opportunities and Workers' Rights Act, regulations and intent. The County's policy is that all employees should have an equal opportunity to succeed in the workplace and are entitled to a workplace that is safe and free from discrimination and harassment based on their protected status. This policy contains edited information under the Act. For complete information, see title 24, article 34, parts 3 and 4 of the Colorado Revised Statutes.

- 1) It is a discriminatory or an unfair employment practice for an employer to refuse to hire, to discharge, to promote or demote, to harass during the course of employment, or to discriminate in matters of compensation, terms, conditions, or privileges of employment against any individual otherwise qualified because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, religion, age, national origin, or ancestry.
- 2) With regard to a disability, it is not a discriminatory or an unfair employment practice for an employer to refuse to hire, to discharge, or to promote or demote an individual with a disability if there is no reasonable accommodation that the employer can make with regard to the disability that would allow the individual to satisfy the essential functions of the job and the disability actually disqualifies the individual from the job.
- 3) It is a discriminatory or an unfair employment practice for a labor organization to exclude any individual otherwise qualified from full membership rights in the labor organization, to expel an individual from membership in the labor organization, or to otherwise discriminate against any of its members in the full enjoyment of work opportunity because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, religion, age, national origin, or ancestry.
- 4) It is a discriminatory or an unfair employment practice for an employer or labor organization to print or circulate or cause to be printed or circulated any statement,

advertisement, or publication, or to use any form of application for employment or membership, or to make any inquiry in connection with prospective employment or membership that expresses, either directly or indirectly, any limitation, specification, or discrimination as to disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, religion, age, national origin, or ancestry or intent to make any such limitation, specification, or discrimination, unless based on a bona fide occupational qualification or required by and given to an agency of government for security reasons.

- 5) The prohibitions contained in paragraphs 1 – 4 above shall also apply to admission to, participation in apprenticeship programs, providing, coordinating, or controlling on-the-job training programs or other instruction, training, or retraining programs.
- 6) It is a discriminatory or an unfair employment practice for an employer to discharge an employee or to refuse to hire or promote a person solely on the basis that such employee or person is married to or plans to marry another employee of the employer.
- 7) It is not unfair or discriminatory for an employer to discharge an employee or to refuse to hire or promote a person for the reasons stated in paragraph 6 above, under circumstances where:
  - (A) One spouse directly or indirectly would exercise supervisory, appointment, or dismissal authority or disciplinary action over the other spouse;
  - (B) One spouse would audit, verify, receive, or be entrusted with moneys received or handled by the other spouse; or
  - (C) One spouse has access to the employer's confidential information, including payroll and personnel records.
- 8) Except as permitted by federal law, it is a discriminatory or an unfair employment practice for an employer to discharge, discipline, discriminate against, coerce, intimidate, threaten, or interfere with any employee or other person because the employee inquired about, disclosed, compared, or otherwise discussed the employee's wages; to require as a condition of employment nondisclosure by an employee of his or her wages; or to require an employee to sign a waiver or other document that purports to deny an employee the right to disclose his or her wage information.

A) For purposes of paragraph 1, above, "harass" or "harassment" means to engage in, or the act of engaging in, any unwelcome physical or verbal conductor any written, pictorial, or visual communication directed at an individual or group of individuals because of that individual's or group's membership in, or perceived membership in, a protected class, as described in paragraphs 1, 3, and 4, above, which conduct or communication is subjectively offensive to the individual alleging harassment and is objectively offensive to a reasonable individual who is a member of the same protected class. the conduct or communication need not be severe or pervasive to constitute a discriminatory or an unfair employment practice under this policy. The conduct is a discriminatory or unfair employment practice if:

(i) submission to the conduct or communication is explicitly or implicitly made a term or condition of the individual's employment;

(ii) submission to, objection to, or rejection of the conduct or communication is used as a basis for employment decisions affecting the individual; or

(iii) the conduct or communication has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

B) The nature of the work or the frequency with which harassment in the workplace occurred in the past is not relevant to whether the conduct or communication is a discriminatory or an unfair employment practice under subsection this policy. Notwithstanding subsection l of this policy, slights, minor annoyances, and lack of good manners do not constitute harassment unless the slights, annoyances, or lack of manners, when taken individually or in combination and under the totality of the circumstances, meet the standards set forth in paragraph 9(A) (i)-(iii) of this policy.

C) Factors to consider under the totality of the circumstances include:

(i) the frequency of the conduct or communication, recognizing that a single incident may rise to the level of harassment;

(ii) the number of individuals engaged in the conduct or communication;

(iii) the type or nature of the conduct or communication, recognizing that conduct or communication that, at one time, was or is welcome between two or more individuals may become unwelcome to one or more of those individuals;

(iv) the duration of the conduct or communication;

(v) the location where the conduct or communication occurred;

(vi) whether the conduct or communication is threatening;

(vii) whether any power differential exists between the individual alleged to have engaged in harassment and the individual alleging the harassment;

(viii) any use of epithets, slurs, or other conduct or communication that is humiliating or degrading; and

(ix) whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class.

- 10) It is important for any employee who believes they are the target of harassment or discrimination to follow County procedures and report the conduct. The County follows procedures that are reasonably designed to prevent harassment, deter future harassers, and protect employees from harassment. These procedures include taking prompt, reasonable action to investigate or address alleged discriminatory or unfair employment practices, and taking prompt reasonable remedial actions, when warranted, in response to complaints of discriminatory or unfair employment practices. For information on how to file a complaint, refer to Policy 2.01.