

Non-Discrimination and Retaliation

All employees of BAKER COUNTY have the responsibility to follow and carry out the policies outlined in this section. Management provides and supports a dispute resolution procedure for receiving and resolving complaints alleging discriminatory practices in employment relations. Employees are expected to bring any questions, issues or complaints to the attention of their supervisor. If you believe you have been discriminated against or harassed, or if you witness or suspect any violation of our policies, you are required to report the matter immediately to any member of management or the Human Resources Representative. If the complaint is in regard to an alleged violation of these policies by management, the complaint may be directed to the Baker County Board of Commissioners. BAKER COUNTY will not retaliate against you for filing a complaint or cooperating in an investigation, and will not tolerate or permit retaliation by management, employees or co-workers.

BAKER COUNTY will conduct a prompt and impartial investigation of the reported conduct.

1. Where investigations confirm the allegations, appropriate corrective action will be.
2. The affected employee will be informed of the results of the investigation.
3. Employees are required to cooperate with an investigation.
4. Information provided by individual employees during the course of an investigation will be kept confidential to the extent possible under the law and made available only on a need to know basis.

1. Equal Employment Opportunities

BAKER COUNTY is an equal opportunity employer, and as such, we consider individuals for employment according to their abilities and performance. Employment decisions are made without regard to age, disability, race, color, national origin, religion, sex, sexual orientation, veteran status, military status, association with members of a protected class, marital status, injured worker status, union participation, non-supervisory family relationships, or any other protected class or work relationship. All employment requirements mandated by State and Federal laws and regulations are observed.

2. Americans with Disabilities Act

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA) are comprehensive federal civil rights laws that specifically protects individuals

with an ADA covered physical and mental disability. Individuals still need to be “qualified” for the job, and not pose a “direct threat.”

Individuals may be protected under the ADA/ADAAA if any of the following conditions exist:

- They currently have a physical or mental impairment that substantially limits a major life activity.
- They have a record of such an impairment, physical or mental, that substantially limits a major life activity; or;
- They are perceived to have such impairment.

Episodic or in remission conditions may meet the definition of a disability if it would substantially limit a major life activity when active.

Temporary, non-chronic impairments of short duration, with little or no residual effects usually are not considered disabilities under ADA/ADAAA. Examples of, but not limited to, impairments that typically would not meet the ADA/ADAAA definition of a disability: common cold, seasonal or common influenza, joint sprain, minor and non-chronic gastrointestinal disorders or broken bones that are expected to heal completely.

The use of ordinary eyeglasses or contact lenses that are intended to fully correct visual acuity or eliminate refractive error, typically are not considered disabilities under ADA/ADAAA.

Pregnancy is not considered an impairment under the ADA/ADAAA.

Individuals who currently engage in illegal use of drugs are excluded from ADA protection.

The ADA/ADAAA also prohibits discrimination on the basis of an individual's relationship to someone (parent, sibling, child, spouse/significant other, etc.) with a disability.

BAKER COUNTY offers equal employment opportunities for qualified individuals who may have a physical or mental disability, but are still able to perform the essential functions of the job. Essential functions are defined as the fundamental non-marginal duties of the position being held or sought by a disabled individual. A job function is essential if the position exists for the performance of the function, there are only a limited number of employees available to perform it, or the function is so highly specialized that an expert must be specially hired to perform it.

Reasonable accommodation may be available to employees and applicants, as long as the accommodation doesn't cause undue hardship for BAKER COUNTY. Individuals protected by the ADA/ADAAA should discuss their need for possible accommodation with their supervisor or Human Resources representative.

3. Harassment

- a) **HARASSMENT** - BAKER COUNTY prohibits harassment based on age, disability, race, color, national origin, religion, sex, sexual orientation, veterans status, military status, retaliation for opposing unlawful employment practices, association with members of a protected class, marital status, injured worker status, union participation, non-supervisory family relationships, or any other protected class, regardless of whether that harassment is targeted specifically at the employee.

Behavior such as telling ethnic jokes, making religious slurs, using offensive "slang" or other derogatory terms denoting a person's speech, accent or disability, are examples of prohibited conduct and will not be tolerated at BAKER COUNTY.

- b) **SEXUAL HARASSMENT** - Sexual harassment can include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or non-verbal communication or physical conduct of a sexual nature where:
1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
 2. Submission or rejection of such conduct by an individual influences any employment-related decisions affecting the individual; or
 3. The conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

The conduct prohibited may be verbal, visual or physical in nature. It may be directed by a supervisor to a subordinate, supervisor-to-supervisor or co-worker-to-co-worker. It includes unwelcome sexual advances, requests for sexual favors, physical touching, or the granting or withholding of benefits (e.g. pay, promotions, time off) in response to the sexual conduct. More subtle forms of prohibited behavior, such as offensive posters, cartoons, caricatures, comments and jokes, language or innuendoes, hugging, or kissing may also constitute sexual harassment when they create or contribute to a hostile or offensive work environment.

4. Genetic Information Non-discrimination Act (GINA)

BAKER COUNTY does not discriminate against applicants or employees based upon either the employee's or the employee's family genetic information; nor does BAKER COUNTY use genetic information in employment decisions.

Once a condition manifests itself, the GINA no longer applies. More detailed information about GINA is available on the EEOC poster placed on the employee bulletin board.

Genetic information and Wellness Programs: Employees may be asked to sign voluntary waivers, in which, the employee acknowledges that his/her genetic information will only be provided to licensed health care professionals or board-certified counselors involved in the wellness program. There is no penalty for non-participation.

5. Employment Eligibility Verification

In conformity with the Immigration Reform and Control Act of 1986 (IRCA), we hire only those who are eligible to work in the United States. Verification documentation is required of all new hires, and employees are expected to inform BAKER COUNTY immediately if their eligibility changes.

After an individual is employed by BAKER COUNTY (as allowed by law) BAKER COUNTY may choose to use the federal E-Verify program to validate social security numbers, or BAKER COUNTY may use other methods for verifying social security numbers.

Expired documents are not valid documents for I-9 purposes.

6. Veterans' Preference in Hiring

Qualifying Veterans

BAKER COUNTY provides qualifying veterans and disabled veterans preference in employment in accordance with ORS 408.225-408.238. For the preference to be applied, veterans must have received an honorable discharge from military service, successfully complete the initial application screening, and meet the minimum qualifications of the applied for position. To qualify for disabled veteran preference, applicants must submit proof of veteran status and proof of their veterans' disability rating from the Department of Veterans' Affairs. Applicants must submit proof of veteran status (DD214/DD215) at the time the application is submitted.

7. Whistleblower

It is the responsibility of all BAKER COUNTY employees to report violations or suspected violations of applicable laws, rules, and regulations. Employees should share their concerns, suggestions, or complaints with someone who can properly address them. Typically, concerns should be shared with a supervisor, department head, or the Human Resources Director.

Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

No Retaliation

Discrimination or retaliation against employees who report in good faith alleged violations of applicable laws, rules, or regulations shall not be tolerated. Any employee who believes that he or she has been subjected to discrimination or retaliation for whistleblowing, or that a violation of this policy has occurred, should immediately contact the Human Resources Office. The Human Resources Director or designee shall conduct an investigation regarding the complaint maintaining anonymity and confidentiality to the greatest extent possible. Appropriate corrective action will be taken if warranted by the investigation.

8. Meeting Participation

From time to time BAKER COUNTY will require employees to attend work related meetings either on or off premises. These meetings will be used to disseminate information, train, or instruct personnel on work related matters. Per ORS 659.785, employees cannot be required to attend employer-sponsored meetings or communications with the employer or the agent, representative, or designee of the employer if the primary purpose of the meeting or communication is to communicate the opinion of the employer about religious or political matters (political party affiliation, campaigns for measures or candidates). An employee may not be disciplined, discharged, or otherwise penalized for refusing to attend or participate in such meetings.

9. Religious Accommodation

BAKER COUNTY respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the County's business.

An employee whose religious beliefs or practices conflict with his/her job, work schedule, with BAKER COUNTY'S policy or practice on dress and appearance, or with other aspects of employment and who seeks a religious accommodation must submit a request for the accommodation to his/her immediate supervisor. The request should be in writing and include the type of religious conflict that exists and the employee's suggested accommodation.

The supervisor and employee will meet to discuss the request and the decision on an accommodation. If the employee accepts the proposed religious accommodation, the immediate supervisor will implement the decision. If the employee rejects the proposed accommodation, he/she may appeal to the Baker County Board of Commissioners.

With management approval, an employee may use vacation or other available leave for religious activities; if accrued leave is not available the employee may request to take unpaid leave.

10. Crime Victims

BAKER COUNTY does not discriminate against employees who are victims of domestic violence, sexual assault, criminal harassment or stalking.

No person may discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation, or other terms, conditions or privileges of employment because the employee is a victim of domestic violence, sexual assault, stalking, or criminal harassment or because the employee requests leave or reasonable safety accommodation under the provisions of this rule.

Retaliation

If you believe you have been discriminated against or harassed, or if you witness or suspect any violation of our policies, you are required to report the matter immediately to any member of management or a Human Resources Representative. If the complaint is in regard to an alleged violation of these policies by management or the Human Resources Representative, the complaint may be directed to the Chair of the Baker County Board of Commissioners. BAKER COUNTY will not retaliate against you for filing a complaint or cooperating in an investigation, and will not tolerate or permit retaliation by management, employees or co-workers.

BAKER COUNTY will not tolerate unlawful retaliation against employees for engaging in protected activity. Federal Laws such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and The American with Disabilities Act, all prohibit an employer from retaliating against an employee engaged in a protected activity. Adverse actions include termination, refusal to hire, denial of promotion, threats, unjustified negative evaluations and/or references, and reassignment leading to less desirable work conditions.

A protected activity is defined as: opposing an unlawful practice prohibited by employment discrimination laws, or participating in any way in an investigation, proceeding, or hearing of an Equal Employment Opportunity charge.

Retaliation by a supervisor and/or a coworker is strictly prohibited. Any employee may file a complaint with their supervisor, the Human Resources Representative or the Chair of the Baker County Board of Commissioners if he/she feels that they have experienced retaliation in any form.