

**ARTICLE I – SEXUAL HARASSMENT POLICY**

**6-1-1 STATEMENT OF POLICY.** Discriminatory harassment or mistreatment of others based on race, ethnicity, region, sex, creed, national origin, ancestry, age, handicap, disability or other improper consideration is not acceptable and will be subject to disciplinary or other appropriate action. Without limiting the scope of the policy, sexual harassment includes any unwanted sexual pinching, patting, verbal comments of a sexual nature, sexual name-calling, pressure to engage in sexual activity, repeated propositions, and unwanted body contact.

**6-1-2 DEFINITION OF SEXUAL HARASSMENT.** According to the Illinois Human Rights Act, sexual harassment is defined as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (A) submission to such conduct is made either explicitly or implicitly a term or condition of any 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 substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991.

One such example is a case where a qualified individual is denied employment opportunities and benefits that are, instead, awarded to an individual who submits (voluntarily or under coercion) to sexual advances or sexual favors. Another example is where an individual must submit to unwelcome sexual conduct in order to receive an employment opportunity.

Other conduct commonly considered to be sexual harassment includes:

- (A) Verbal: Sexual innuendoes, suggestive comments, insults, rumor and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
- (B) Non-Verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually bodily gestures, "catcalls", "smacking" or "kissing" noises.
- (C) Visual: Posters, signs, pin-up or slogans of a sexual nature.

(D) Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

Sexual harassment most frequently involves a man harassing a woman. However, it can also involve a woman harassing a man or harassment between members of the same gender.

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends to some extent on individual perception and interpretation. The trend in the Courts is to assess sexual harassment by a standard of what would offend a "reasonable woman" or a "reasonable man", depending on the gender of the alleged victim.

An example of the most subtle form of sexual harassment is the use of endearments. The use of terms such as "honey", "darling", and "sweetheart", is objectionable to many women who believe that these terms undermine their authority and their ability to deal with men on an equal and professional level.

Another example is the use of a compliment that could potentially be interpreted as sexual in nature. Below are three statements that might be made about the appearance of a woman in the workplace:

"That's an attractive dress you have on."

"That's an attractive dress; it really looks good on you."

"That's an attractive dress. You really fill it out well."

The first statement appears to be simply a compliment. The last is the most likely to be perceived as sexual harassment, depending on the individual perceptions and values. To avoid the possibility of offending an employee, it is best to follow a course of conduct above reproach, or to err on the side of caution.

**6-1-3 RESPONSIBILITY OF INDIVIDUAL EMPLOYEES.** Each individual employee has the responsibility to refrain from sexual harassment in the workplace.

An individual employee who sexually harasses a fellow worker is, of course, liable for his or her individual conduct.

The harassing employee will be subject to disciplinary action up to and including discharge in accordance with departmental policy or a bargaining agreement, as appropriate.

**6-1-4 PROCEDURES FOR FILING A COMPLAINT.** An employee who either observes or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to his or her supervisor. It is not necessary for sexual harassment to be directed at the person making a complaint.

The following steps may also be taken: document or record each incident (what was said or done, the date, the time, and the place). Documentation can be strengthened by written records such as letters, notes, memos, and telephone messages.

No one making a complaint will be retaliated against even if a complaint made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

The process for making a complaint about sexual harassment falls into several stages.

(A) **Direct Communication.** If there is sexually harassing behavior in the workplace, the harassed employee should directly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or memo.

(B) **Contact with Director.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to his or her immediate supervisor. If the harasser is the immediate supervisor, the problem should be reported to the next level above the supervisor.

(C) **Resolution Outside Department.** It is hoped that most sexual harassment complaints and incidents can be resolved from within the department. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint. An IDHR complaint must be filed within **one hundred eighty (180) days** of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within **three hundred (300) days**.

An employee who is suddenly transferred to a lower paying job or passed over for promotion, after filing a complaint with IDHR or EEOC, may file a retaliation charge, also due within **one hundred eighty (180) days** (IDHR) or **three hundred (300) days** (EEOC) of the alleged retaliation.

An employee who has been physically harassed or threatened while on the job may also have grounds for criminal charges of assault and battery.

**6-1-5 FALSE AND FRIVOLOUS COMPLAINTS.** False and frivolous charges refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith, which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action.

## Administrative Contacts

Illinois Department of Human Rights  
(217) 785-5100 Springfield  
(217) 785-5119 TDD Springfield  
(312) 814-6200 Chicago  
(312) 263-1579 TDD Chicago

Illinois Human Rights Commission

(217) 785-4350 Springfield

(217) 785-5119 TDD Springfield

(312) 814-6269 Chicago

(312) 263-1579 TDD Chicago

Equal Employment Opportunity Commission

(312) 353-2713 Chicago

(800) 669-3362

(800) 800-3302 TDD

**(#9-2001)**

**ARTICLE II - EQUAL EMPLOYMENT POLICY**

**6-2-1**        **ADOPTION OF CODES.** The County hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:

(A)            **Title VI of the Civil Rights Act of 1964** which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.

(B)            **Title VII of the Civil Rights Act of 1964** which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.

(C)            **Title IX of the Education Amendments of 1972** which prohibits discrimination in federally assisted education programs.

(D)            **The Equal Pay Act of 1963** which covers all employees who are covered by the Fair Labor Standards Act. The Act forbids pay differentials on the basis of sex.

(E)            **The Age Discrimination Act of 1967** which prohibits discrimination because of age against anyone between the ages of **forty (40)** and **sixty-five (65)**.

(F)            **Federal Executive Order 11246** which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.

(G)            **Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 CFR 32** which prohibits any discrimination based on disability.

(H)            **Section 167 of JTPA and the U.S. DOL Regulations at 29 CFR Parts 31 and 32** which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from the Department of Labor.

(I)            **Chapter 68, Article I, Section 17-19 of the Illinois Constitution** which prohibits discrimination based on race, color, creed, national ancestry, disability, and sex in the hiring and promotion practices of any employer.

(J)            **The Americans with Disabilities Act of 1990** which prohibits any discrimination against qualified individuals with disabilities on the basis of their disability.

**6-2-2      NON-DISCRIMINATORY PRACTICES.** The County will assure non-discriminatory employment practices in recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.

**6-2-3      CONTRACTING WITH NON-COMPLAINTS.** The County will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on sex, color, race, religion, age, national origin, political affiliation or belief.

(A) The County will incorporate into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary of Labor or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability or national origin. The contractor will take affirmative action to ensure that applicants are employed, and the employees are treated during employment, without regard to their race, color, religion, sex, national origin or disability. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- (2) The contractor will, in all solicitations or advertisement for employees places by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, or disability.
- (3) In the event of the contractor's noncompliance with the Equal Opportunity Clause or with any of the said rules, regulations, and orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further government contracts or federally assisted construction contracts.
- (4) The contractor will include the provisions of this Equal Opportunity clause in every subcontract or purchase order, unless exempted by the rules, regulations, or orders of the Secretary of Labor so that such provisions will be binding upon each such subcontractor or vendor.

**6-2-4**        **OUTREACH TO ALL.** The County assures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.

**6-2-5**        **MINORITY HIRING.** Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the County as well as surrounding areas.

**6-2-6**        **ACCOMMODATIONS FOR DISABLED.** The County will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.

**6-2-7**        **COMPLIANCE BY EMPLOYEES.** All County employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out County program activities.

**6-2-8**        **DESIGNATED ENFORCERS.** The County designates the Chairman and the County Board to carry out the EEO/AA plan.

**(#2008-04-001-002)**

**ARTICLE III – SAFETY POLICY**

**6-3-1        STATED POLICY.** The County Board wants to keep a safe work environment by promoting its health and safety policy, which is summarized as follows:

(A)            To provide safe and efficient work places and provide tools, equipment and material free from preventable hazards.

(B)            To maintain reasonable safety rules and procedures with firm and fair enforcement and to communicate these rules and procedures to all employees effectively.

(C)            To provide appropriate employee training programs, emphasizing the individual's responsibility for safe work performance.

(D)            To constantly strive to improve safety performance with the objective of reducing accidents.

(E)            To promote good health and safety attitudes by actively seeking the full cooperation of all employees and providing appropriate recognition for superior safety performance.

**6-3-2        SUPERVISORS INSTRUCTIONS.** Supervisors shall instruct employees on how best to perform their work.

**6-3-3        EMPLOYEE RESPONSIBILITIES.** Employees shall not hesitate to ask their supervisor about any phase of their job that may seem hazardous or unfamiliar and to report to their supervisor any malfunctioning vehicle or equipment or any condition that might be hazardous to the safety of County employees or the public.



**ARTICLE IV – LABOR CONTRACTS**

**6-4-1**        **EXHIBITS INCORPORATED.**    The current county employee labor contracts are hereby included in this Chapter as Exhibits "A" through "O".

**ARTICLE V – SEXUAL MISCONDUCT POLICY**

**6-5-1**        **PURPOSE OF POLICY.** The County will not tolerate and will seek to eradicate any behavior by its employees which constitutes sexual misconduct toward another employee, volunteer, intern, or member of the public. “Sexual misconduct” means any actual, attempted or alleged sexual molestation, assault, abuse, sexual exploitation or sexual injury. “Sexual misconduct” does not include “sexual harassment”.

**6-5-2**        **REPORTING PROCEDURES AND DESIGNATED SEXUAL MISCONDUCT COORDINATOR.** It is the express policy of the County to encourage victims of sexual misconduct, and their parents or guardians in the case of minors, to come forward with such claims. The County shall designate a Sexual Misconduct Coordinator who shall remain accountable for the implementation and monitoring of this policy. The identity of the Sexual Misconduct Coordinator shall remain on file with the County. In order to conduct an immediate investigation, any incident of sexual misconduct shall be reported as quickly as possible in confidence pursuant to this Article.

**6-5-3**        **EMPLOYEES.** Employees are required to report any known or suspected incidents of sexual misconduct. They shall report to their supervisor or the Sexual Misconduct Coordinator. If the person to whom an employee is directed to report is the offending person, the report should be made to the next higher level of administration or supervision.

**6-5-4**        **INVESTIGATION AND CONFIDENTIALITY.** All formal complaints shall be given a full, impartial and timely investigation. During such investigation, every effort shall be made to protect the privacy rights of all parties although confidentiality cannot be guaranteed.

**6-5-5**        **DISCIPLINE.** Any County employee who is determined, after an investigation, to have engaged in sexual misconduct in violation of this policy shall be subject to disciplinary action up to and including discharge.

**6-5-6**        **FALSE ACCUSATIONS.** False accusations regarding sexual misconduct shall not be tolerated, and any person knowingly making a false accusation shall likewise be subject to disciplinary action up to and including discharge.

**6-5-7      RETALIATION AGAINST ACCUSER.** The County shall discipline any individual who retaliates against any person who reports alleged sexual misconduct or who retaliates against any person who testifies, assists or participated in an investigation, a proceeding or a hearing relating to a sexual misconduct complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

**6-5-8      CHILD ABUSE INCIDENT REPORTING AND FOLLOW-UP.**

(A) Sexual child abuse as used in this Chapter is defined as: Child for the purposes of child abuse is defined as a person under **eighteen (18) years** of age, who prior to juvenile proceedings, has not been judicially emancipated or emancipated by marriage. Abuse means any one of the following acts which seriously endanger the physical, mental or emotional health of a child.

- (1) The infliction, attempted infliction, or as a result of inadequate supervision the allowance of the infliction of physical or mental injury upon a child by a parent of any other person.
- (2) The exploitation or overwork of a child by a parent or any other person.
- (3) The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or caretaker of the child's sexual involvement with any other person or the child's involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this State.

Sexual abuse of a minor is a crime.

(B) Any case of known or suspected child abuse of a minor shall be reported immediately in compliance with Illinois mandatory reporting guidelines and to the Sexual Misconduct Coordinator, the State's Attorney's Office, and Sheriff's Department.

(C) In the event that the Sexual Misconduct Coordinator is first notified of an incident of known or suspected child abuse, the Sexual Misconduct Coordinator shall immediately notify the child's parent or legal guardian as the case may be and the appropriate legal authorities as required by the state or local law. The Sexual Misconduct Coordinator shall prepare a Suspected Child Abuse Standard Report and immediately follow-up to investigate the incident and to ascertain the condition of the child. The Sexual Misconduct Coordinator shall consult and communicate with the State's Attorney as necessary.

(D) Any employee involved in a reported incident of sexual misconduct and/or child abuse shall be immediately relieved of responsibilities that involve interaction with minors or shall be suspended as determined by the employee's supervisor. Reinstatement of employees involved in a reported incident of child abuse shall occur only after all allegations of child abuse have been fully investigated and resolved by the County.

**6-5-9**      **MAINTENANCE OF RECORDS AND DOCUMENTS.**    The Sexual Misconduct Coordinator shall maintain all records and documentation required by law or otherwise required by this and other such related policies of the County including all documents related to procedures for hiring-screening, employee/volunteer code of conduct, training, sign-in/sign-out, pick-up and release procedures, incident reporting follow-up and disciplinary action.

**6-5-10**      **EMPLOYEE ACKNOWLEDGEMENT OF POLICY.**    This policy is to be reviewed and signed by all employees and volunteers.