

**SENECA COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES
PERSONNEL POLICY MANUAL**

CHAPTER 2 EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION

EQUAL EMPLOYMENT OPPORTUNITY

SECTION 2.01

- A. Seneca County DJFS is an Equal Opportunity Employer. No personnel decisions concerning any term or condition of employment shall be unlawfully based upon race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), military service, veteran's status, national origin, age (40 or older), disability, ancestry, genetic information, or other protected criteria, except where such criteria constitutes a bona fide occupational requirement.
- B. The Director will appoint the Agency's EEO Coordinator. The EEO Coordinator is responsible for providing information regarding antidiscrimination laws to employees and others, and for reviewing and resolving complaints involving alleged discrimination not resolved by the department head.
- C. The EEO Coordinator shall be responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. Department heads and supervisors shall maintain responsibility for their actions in regard to offering equal opportunity to each Agency employee or job applicant and for attempting to resolve discrimination complaints within their respective departments not personally involving the department head.
- D. No inquiry shall be made as to religious, racial, or ethnic origin of an applicant, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual. Disclosure of this information by the employee is a voluntary action on the applicant's part.
- E. The Agency provides equal employment opportunities to all persons, consistent with applicable federal, state and municipal equal employment opportunity laws prohibiting discrimination based on race, sex (including pregnancy, gender identity, and sexual orientation), age (40 and older), disability, genetic information, religion, ancestry, military status, color, national origin, or any other applicable statutorily protected group status. This policy shall apply to all phases of the employment relationship including recruitment, hiring, compensation, advancement, and discipline.
- F. If an employee feels he/she has been discriminated against on the job, he/she shall have the right to file a complaint with the immediate supervisor, or if the supervisor is the target of the complaint, with the Director. The employee also has the right to file discrimination complaints with the Ohio Civil Rights Commission and the Federal Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964 (as amended).

LIMITED ENGLISH PROFICIENCY

SECTION 2.02

- A. In an effort to assess and address the needs of otherwise eligible persons seeking access to Agency programs, services, and activities who, due to limited English proficiency, cannot

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fully and equally participate in or benefit from those programs and activities, the Agency has adopted the following policy.

- B. The Agency will take reasonable steps to ensure that persons with limited English proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs, and other benefits. The Agency’s policy is to ensure meaningful communication with LEP clients and their authorized representatives involving their medical conditions and treatment. The policy also provides for communication of information contained in vital documents including, but not limited to, waivers of rights, consent to treatment forms, financial and insurance benefit forms, applications for employment/services, etc. All interpreters, translators, and other aids needed to comply with this policy shall be provided without cost to the person being served, and clients and their families will be informed of the availability of such assistance free of charge.

Language assistance will be provided through use of competent bilingual staff, staff interpreters, contacts or formal arrangements with local organizations providing interpretation or translation services, or technology and telephonic interpretation services. All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals and will be trained in effective communication techniques, including the effective use of an interpreter.

The Agency will conduct a regular review of the language access needs of our client population, as well as update and monitor the implementation of this policy and these procedures, as necessary.

C. Procedures:

1. Identifying LEP persons and their language: The Agency will promptly identify the language and communication needs of the LEP person. If necessary, staff will use a language identification card (or “I speak cards,” available online at www.lep.gov) or posters to determine the language. In addition, when records are kept of past interactions with clients or family members, the language used to communicate with the LEP person will be included as part of the record.
2. Obtaining a qualified interpreter: The Director or designee is responsible for:
 - a. Maintaining an accurate and current list showing the name, language, phone number, and hours of availability of bilingual staff.
 - b. Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret.
 - c. Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.

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- d. Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and after the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.
 - e. Children and other clients will not be used to interpret, in order to ensure confidentiality of information and accurate communication.
3. Providing written translations:
- a. When translation of vital documents is needed, the appointing authority will submit documents for translation into frequently-encountered languages to the designated individual. Original documents being submitted for translation will be in final, approved form with updated and accurate legal and medical information.
 - b. Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.
 - c. The Agency will set benchmarks for translation of vital documents into common additional languages over time.
4. Providing notice to LEP persons: The Agency will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. At a minimum, notices and signs will be posted and provided in intake areas and other public areas. Notification will also be provided through one (1) or both of the following: outreach documents and websites.
5. Monitoring language needs and implementation: On an ongoing basis, the Agency will assess changes in demographics, types of services, or other needs that may require reevaluation of this policy and its procedures. In addition, the Agency will regularly assess the effectiveness of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, feedback from patients and community organizations, etc.
- D. Any complaints shall be directed to the appointing authority or designee.

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AMERICANS WITH DISABILITIES

SECTION 2.03

- A. The Employer supports the intent and purposes of the Americans with Disabilities Act (ADA) and will not discriminate against qualified individuals with disabilities because of the disability of such individual in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.

- B. The EEO Coordinator is responsible for providing information about the ADA to employees and others, and for reviewing and resolving complaints involving alleged discrimination against the disabled.

- C. The Agency complies with all federal and state laws concerning the employment of persons with disabilities in accordance with Title I and Title V of the Americans with Disabilities Act of 1990, as amended. It is the Agency’s policy not to discriminate against qualified individuals with disabilities on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

- D. If an employee feels he/she has been discriminated against on the job, he/she shall have the right to file a complaint with the immediate supervisor, or if the supervisor is the target of the complaint, with the Director. The EEO Complaint Form contained in Section 10 may be used for this purpose. The employee also has the right to file discrimination complaints with the Ohio Civil Rights Commission and the Federal Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964 (as amended).

WORKPLACE HARASSMENT AND DISCRIMINATION

SECTION 2.04

It is the policy of Seneca County DJFS to maintain an environment free from all forms of discrimination, including gender-based discrimination due to sexual harassment. In order to maintain this environment, discriminatory harassment, whether committed by supervisors, co-workers, or members of the public, is strictly prohibited. Such misconduct must be reported promptly, regardless of who originates it or participates in it, and regardless of whether it is oral, written, visual, or physical conduct. If the Agency determines such misconduct has occurred, appropriate corrective action will be administered that will immediately resolve the matter. The corrective action administered may be disciplinary action up to and including termination of the offender.

- A. Definition: Discriminatory harassment is any type of harassing conduct that is based upon an employee’s Discriminatory harassment is any type of harassing conduct that is based upon an employee’s race, color, sex (including pregnancy, gender identity, and sexual orientation), military status, veteran’s status, national origin, age (40 or older), religion, disability, or protected criteria.

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- B. Explanation of Sexual Harassment. The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as follows: Unwelcome sexual advances (verbal and/or physical), requests for sexual favors and other verbal and/or physical conduct of a sexual nature constitute sexual harassment when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment (such as a promotion, job assignment, overtime opportunity, wage increase, etc.); or
 2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions; or
 3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile, or offensive working environment.
- C. Harassment Based On Other Protected Group Statuses. Any unwelcome verbal or physical conduct may be viewed as illegal "harassment" if such conduct is because of any of the statutorily protected group statuses referenced above and has the purpose or effect of unreasonably interfering with an individual's job performance or creating a hostile or offensive work environment.
- D. Unacceptable Behavior. Using and insisting upon good manners, professional behavior, and the exercise of good sense will go a long way in avoiding and preventing the inappropriate conduct covered by this policy. Again, should there be any incident which runs afoul of this policy, it should be reported immediately. While this policy sets forth its goals of promoting a workplace that is free from the above-referenced harassment or discrimination, it does not limit the Agency's ability to take corrective action for workplace conduct which the Agency determines is unacceptable, regardless whether that conduct violates this policy.
- E. While it is not possible to list all examples of unacceptable and unprofessional conduct, the following non-exhaustive list sets forth some examples of the kind of behavior (oral, written, electronic, or physical) that is prohibited in our workplace:
1. Offensive sexual language, gestures, photographs, or references;
 2. Verbal harassment based on any protected group characteristic;
 3. Subtle or direct pressure for sexual activity;
 4. Physical contact such as touching, patting, pinching, rubbing, or squeezing;
 5. Comments about a person's body in a sexually offensive manner,
 6. Seeking sexual attention with implied or explicit threats or rewards;

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B. Procedure:

1. Once a complaint of discriminatory harassment has been received, or an instance of discriminatory harassment has been reported, the complaint shall be immediately forwarded to the proper member of management for investigation (see reporting procedure below). This person shall then immediately investigate the matter in accordance with the investigation procedure. The complaining employee and/or the reporting employee will be informed of the results of the investigation.

2. If, after a thorough and prompt investigation, it is determined that discriminatory harassment has occurred, the employee who has been found to have committed discriminatory harassment will immediately be disciplined in accordance with the disciplinary procedure for discriminatory harassment. The complaining and/or reporting employee(s) will be informed of the results of the disciplinary procedure.

3. If, after the investigation, it is determined that no discriminatory harassment occurred, or that there is insufficient evidence to determine whether or not discriminatory harassment has occurred, the complaining employee and/or reporting employee will be informed of same.

4. The Director will make every effort to keep the complaint confidential, except as required by law and as may be reasonably necessary to successfully complete the investigation.

5. The Director protects, as much as possible, employees involved as part of the investigation, from retaliation.

Any employee who believes that he/she has been the subject of discriminatory harassment and/or unlawful discrimination, and/or any employee who has witnessed an incident, or incidents, of discriminatory harassment and/or unlawful discrimination, should report the matter to the proper member of management. There will be no reprisals against any employee for making a report as provided in this section.

C. Reporting Process:

1. Any employee who believes that he/she has been the subject of or witness to discriminatory harassment or unlawful discrimination should immediately report the alleged act(s) to his/her immediate supervisor, EEO Officer, or the Director.

If there is no one in the office or department to which the employee can report the alleged act(s) (for example, the immediate supervisor, member of management, or the Director is the subject of the complaint), the employee should report to the County Commissioners. If the County Commissioner(s) is the subject of the complaint, the employee should report the matter to the County Prosecutor.

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2. The employee alleging discriminatory harassment or unlawful discrimination shall complete a written complaint form provided for that purpose (see Form B). The employee should provide:
 - a. The employee's name.
 - b. The name of the subject of the complaint.
 - c. The incident(s) complained of.
 - d. The date(s) of the incident(s).
 - e. Any witnesses to the alleged incident(s).
 - f. The resolution the employee is seeking.
3. If the employee alleging discriminatory harassment and/or discrimination is unwilling to complete the complaint, the matter should be addressed under the "duty to report" section and the form completed by the person to whom the verbal complaint was made.
4. This form should be completed by the employee as soon as possible, and no later than two (2) working days after the date the alleged harassment and/or discrimination occurred. A copy of this form should be forwarded to the Director. If it is alleged that the Appointing Authority is the subject of the complaint, then a copy of this form should be sent to the County Prosecutor.

D. Investigation:

1. After the complaint form has been completed, the complaint will promptly be investigated by the employee Director or designee. If the Director is the subject of the complaint, the investigation shall be conducted by the County Prosecutor. If the County Prosecutor is the subject of the complaint, the investigation shall be conducted by the Board of County Commissioners.
2. If the investigation reveals that the complaint is valid, prompt action will be taken to end the harassment and/or discrimination immediately.
3. Any employee who is found, after appropriate investigation, to have engaged in discriminatory harassment or unlawful discrimination of another employee or a member of the public shall be subject to disciplinary action, up to and including termination.

E. Disciplinary Procedure: When it is determined that there is cause for believing that discriminatory harassment and/or unlawful discrimination has occurred, the following steps will be followed.

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1. The charged party will immediately be placed on administrative leave with pay or temporarily transferred pending the final resolution of the complaint.

2. If the charged party requests it, a meeting will be held during which the charge will be explained to the charged party, and the charged party will be given the opportunity to respond to the charge.

3. Subsequent to the meeting a final determination will be made. If it is determined that a prima facie case of discriminatory harassment and/or unlawful discrimination has been established, the charged employee will be verbally notified and may be given an opportunity to resign.

4. A notice of predisciplinary conference will be issued.

Any employee who is found, after appropriate investigation, to have intentionally and maliciously filed a false claim of discriminatory harassment and/or unlawful discrimination of another employee or member of the public shall be subject to disciplinary action, up to and including termination.