

## **Clark County**

### **Equal Opportunity, Non-Discrimination, and Anti-Harassment**

#### **Policy Statement**

Clark County, Nevada ("Clark County" or "County") is an equal opportunity employer and will not discriminate on the basis of race, color, religion, sex including pregnancy, age, national origin, disability status, sexual orientation, gender identity or expression, or genetic information in employment. In accordance with state and/or federal laws, the Clark County Board of County Commissioners ("BCC" or "County Commission") is committed to this Equal Opportunity, Non-Discrimination and Anti-Harassment Policy ("Policy"), which prohibits unlawful discrimination in the workplace.

The County's Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy is based on the following principles:

- A. To recruit, hire, compensate, train, evaluate and promote covered County employees without regard to race, color, religion, sex including pregnancy, age, national origin, disability status, sexual orientation, gender identity or expression, or genetic information, except where sex, mental, or physical requirements constitute bona fide occupational qualifications necessary for efficient job performance. The County will take proactive measures in support of equal opportunity in recruitment, hiring, career advancement, and treatment of covered County employees.
- B. To ensure that policies regarding all terms and conditions of employment will be administered without regard to race, color, religion, sex including pregnancy, age, national origin, disability status, sexual orientation, gender identity or expression, or genetic information.
- C. To ensure that the workplace for covered County employees is free of discrimination, sexual harassment, harassment, bullying, and retaliation.
- D. To immediately stop and address harassing conduct.

#### **Clark County Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy**

Clark County hereby declares that it is the policy of the County to prohibit any discrimination and workplace harassment, whether intentional or unintentional, of covered County employees. This Clark County Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy sets forth the scope of conduct, practices, and decisions that are prohibited, the process for making

complaints under this Policy, and how such allegations will be resolved. Clark County is fully committed to creating and sustaining a positive and mutually supportive working environment.

## I. PURPOSES

- A. To create a workplace that reflects the community;
- B. To embrace the characteristics that individuals from diverse groups bring to the workplace;
- C. To define workplace discrimination and harassment and other prohibited conduct;
- D. To reinforce the County's commitment to provide a work environment free from discrimination, sexual harassment, harassment, bullying, and retaliation and other prohibited conduct for all covered County employees; and
- E. To address reporting and investigation of workplace discrimination and harassment.

## II. OFFICE OF DIVERSITY SUPPORT SERVICES

The County Manager will designate the Clark County Office of Diversity (OOD), Clark County Department of Human Resources (HR Department) staff to perform the following services in support of this Policy.

### A. Reporting and Monitoring:

- 1. The County Manager will designate OOD staff to complete reports or analyses required by federal and state law or regulation including but not limited to the U.S. Equal Employment Opportunity Commission.
- 2. OOD staff may also be assigned to conduct studies and compile hiring applications and employment statistics to monitor the status of the County's equal opportunity, diversity, and anti-sexual harassment efforts. Any such studies, reports, or materials, which are generated for the purpose of self-critical analyses, are confidential.

### B. Americans with Disabilities Act:

- 1. The County Manager will designate OOD staff to facilitate compliance with the Americans with Disabilities Act (ADA) through intake of requests for accommodations.

C. Section 504 of The Rehabilitation Act of 1973:

1. The County Manager will designate OOD staff to coordinate and facilitate compliance with Section 504 of the Rehabilitation Act of 1973.
2. OOD staff may receive, process, and/or investigate complaints of non-compliance with Section 504 and ADA Title II.

D. Recruitment:

1. HR Department staff will:
  - a. Announce job openings to reach minorities, women, individuals with disabilities, and other under-represented demographics or groups by advertising or disseminating job openings to appropriate organizations, groups, and agencies;
  - b. Publicize promotional opportunities throughout the County;
  - c. Monitor the application process and applicant data to determine effective ways to reach a diverse applicant pool;
  - d. Review job descriptions and experience requirements of jobs to ensure posted qualifications are job-related;
  - e. Monitor testing, interview processes, and composition of interview panels to assure compliance with this Policy to avoid unlawful discrimination;
  - f. Provide interviewers with guidelines and/or training to promote objective assessment of the abilities of candidates;
  - g. As appropriate, conduct post-selection assessment including reasons for non-selection to ensure selection is based on job-related factors; and
  - h. Offer career counseling to covered County employees to identify promotional opportunities and training needs, and to encourage preparation and application for career advancement.

### III. SCOPE

- A. This Policy applies to all covered County employees regardless of classification, pay grade, length of employment, or full-time or part-time status.
- B. This Policy governs covered County employee conduct in all County workplaces and vehicles, during business travel, and in any other location where County business is conducted, regardless of whether the property is owned or leased by the County, or whether interacting with covered County employees or other individuals.
- C. This Policy applies to all covered County employee conduct regardless of whether it occurs during working hours, during a lunch break, during an off-duty work-related social or recreational activity, or when off-duty conduct has a nexus to County employment.
- D. This Policy applies to every level of County government, including employment and/or access to County facilities, programs, services, and activities.

### IV. DEFINITIONS

- A. *Bullying* means the conduct of a covered County employee that a reasonable person would find intimidating, hostile, offensive, and unrelated to the legitimate business interests of the County and which, unless especially egregious or severe, is directed at a covered County employee on more than one (1) single occasion.
- B. *Covered County employee* means members of the BCC, other elected County officials, members of County management, members of department management, and all other County employees including interns.
- C. *Department head* means any appointed department head or elected official charged with oversight of a County department which employs covered County employees.
- D. *Discrimination* includes, but is not limited to, decisions regarding employment that adversely affect a covered County employee's pay, status, position, or assignment, including opportunities for overtime pay and advancement, and includes decisions regarding recruitment, appointment, compensation, promotion, discipline, demotion, transfers, layoff, recall, termination, and training opportunities.
- E. *Gender identity* means an individual's innate identification as either male or female, although it may not correspond to the individual's body or gender as assigned at birth.

- F. *Genetic information* means information about an individual's genetic tests, the genetic tests about an individual's family members, and the manifestation of disease or disorder in family members of an individual. The term does not include the age or sex of any individuals.
- G. *Protected status* means an individual's sex, race, color, national origin, age, religion, disability status, sexual orientation, genetic information, gender identity, pregnancy status, and any other legally protected characteristic.
- H. *Sexual harassment* means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of a covered County employee's employment; (b) submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the covered County employee; or (c) such conduct has the purpose or effect of unreasonably interfering with a covered County employee's work performance or creating an intimidating, hostile, or offensive work environment. Sexual harassment is prohibited regardless of whether the parties are the same sex or the opposite sex.
- I. *Sexual orientation* means the actual or perceived status of a person with respect to his or her sexuality.
- J. *Workplace harassment* includes, but is not limited to, any unwelcome verbal, written, or physical conduct that denigrates or shows hostility or aversion towards a person on the basis of a protected status.

## V. DISCRIMINATION

- A. It is the policy of the County to maintain a working environment and recruitment/selection process free from discrimination.
- B. Prohibited conduct includes, but is not limited to, making employment decisions based on unlawful considerations and treating covered County employees to different terms and conditions of employment.
- C. Examples of employment decisions and conditions of employment include:
  - 1. Hiring, termination, promotions, job assignments, compensation, job transfers, denying benefits/privileges, discipline, termination, demotion, layoff, recall, and training opportunities.

## VI. SEXUAL HARASSMENT

A. It is the policy of the County to maintain a working environment that is free from sexual harassment. Sexual harassment in the workplace will not be tolerated. Where sexual harassment and/or conduct that is sexual in nature and/or has the potential of creating a hostile workplace environment is found to have occurred, Clark County will act to stop the harassment, to prevent its recurrence, to remedy its effects, and to take appropriate action against those responsible.

1. Sexual harassment or a hostile workplace environment may occur when conduct is sexually harassing in nature (by a supervisor or any covered County employee, contractor, and/or vendor) and may include, but is not limited to:

- a. Making inappropriate sexual comments about a person's clothing, body or looks;
- b. Display or circulation of sexually suggestive/offensive material, including emails;
- c. Asking about sexual fantasies, preferences or history;
- d. Unsolicited and unwelcome flirtations;
- e. Unsolicited and unwelcome physical conduct to include unwanted touching, massaging, grabbing, patting, pinching, hugging, kissing, brushing up against, or cornering someone;
- f. Repeated requests for dates after the covered County employee has declined a prior request(s);
- g. Unwelcome so-called "terms of endearment," such as "sweetheart," "babe," "honey," etc.; or
- h. Quid Pro Quo sexual harassment that occurs when a superior offers a subordinate an employment benefit in exchange for unwelcome dates and/or sexual favors.

## VII. GENDER BASED DISCRIMINATION

A. It is the policy of the County to maintain a working environment for all persons that is free from harassment and less favorable treatment based on a person's gender. The following non-exhaustive list provides examples of gender discrimination in the workplace:

1. Offensive comments about women or men in general;
2. Gender stereotyping to include comments about a person's abilities based on gender and/or making or denying job assignments solely on perception of what jobs a specific gender "should" perform;
3. Discrimination against an individual because of gender identity, including transgender status; or
4. Gender discrimination based on non-conformance with gender norms and stereotypes.

#### VIII. BULLYING AND HARASSMENT IN THE WORKPLACE

A. It is the policy of the County to maintain a working environment for all persons that is free from conduct that, whether intentional or unintentional, is considered bullying or harassing in nature as defined in this Policy. In doing so, all covered County employees are responsible for conducting themselves in a manner that will ensure that others are able to work in a professional and respectful environment.

B. The following non-exhaustive list provides examples of bullying and harassment in the workplace:

1. Repeated verbal abuse in the form of derogatory remarks, slurs, insults, and epithets;
2. Visual conduct such as derogatory posters, photography, cartoons, drawings, or gestures;
3. Verbal or physical conduct that is threatening, intimidating, or humiliating;
4. Social exclusion or ostracism; or
5. Attempts to induce the covered County employee to act contrary to his or her duty or to do, make, omit, or delay any act, decision, or determination including, but not limited to, regular County Commission agenda items and zoning items.

## IX. RETALIATION

- A. Retaliation is taking adverse action against covered County employees for asserting their rights under this Policy or under the law. Adverse actions can include, but are not limited to, transferring the covered County employee to a less desirable position, increasing scrutiny, purposely changing his/her work schedule, or any action that would discourage covered County employees from exercising their rights under the Policy or the law in the future. These rights include filing a complaint under this Policy, filing a complaint with an external government agency such as the U.S. Equal Employment Opportunity Commission, assisting another covered County employee in the filing of a complaint, providing information during an investigation or testifying in a proceeding concerning a violation of this Policy or the law, or otherwise opposing conduct prohibited by this Policy. Retaliation against covered County employees who engage in protected conduct or who assist others in complaints of discrimination or harassment in violation of this Policy is expressly prohibited. A violation of this section may result in disciplinary action, up to and including termination.

## X. COMPLAINT PROCESS FOR UNLAWFUL DISCRIMINATION

- A. A covered County employee or applicant for an employment position covered by this Policy may file a complaint with the OOD. A covered County employee may file a complaint under a section of an applicable collective bargaining agreement specifically designating OOD as the office to which such complaints will be referred. All complaints should be submitted in the written format prescribed by the County Manager. Covered County employees or applicants will not be subject to retaliation, reprisal, intimidation, harassment, or modification of employment status as a result of filing a complaint.
- B. A complaint alleging unlawful discrimination and/or sexual harassment must be filed within the statute of limitations set by state and federal enforcement agencies having jurisdiction over the alleged unlawful activity.
- C. A complainant may not file a complaint of discrimination with OOD if they have filed a charge of discrimination asserting the same allegations based upon the same events with any other County, state or federal administrative body or officer having jurisdiction to adjudicate complaints of discriminatory practices.
- D. Upon receipt of a complaint wherein the allegations, if true, would support a finding of a violation of this Policy, OOD staff shall immediately notify the affected

department head and the County Manager. Each will be provided a summary of the charge and, as appropriate, a request for information or request for a response to the allegations set forth in the complaint.

- E. The County Manager, at his or her sole discretion, may assign an investigation to be conducted outside the OOD, in which case the outside investigator will act in lieu of OOD for that complaint.
- F. The OOD or outside investigator selected by the County Manager shall investigate the allegations of the complaint. When practical, all interviews shall be recorded and made part of the record of the investigation along with all associated documents and other material. Written findings of the investigation shall be fully documented. All information gathered in the course of investigations is confidential except as otherwise mandated by law, or necessary to the implementation of this Policy, and/or necessitated by issues presented in labor administrative proceedings.
- G. The investigative findings will be submitted to the Equal Opportunity Committee (EEO Committee) as designated by the County Manager. The EEO Committee will determine if a violation of this Policy has occurred and what, if any, corrective action is appropriate.
- H. If an elected County official is alleged to have violated this Policy, the complainant may be referred to an appropriate state or federal administrative enforcement agency. Referral of a complaint in this manner does not limit the County's ability to take remedial action as it deems appropriate in light of the allegations in the complaint.
- I. Covered County employees and applicants may, at any time during the process, or at its completion, seek relief outside the County in accordance with the provisions of applicable federal or state statutes.

#### XI. COMPLAINT PROCESS FOR BULLYING OR HARASSMENT

- A. A complaint alleging bullying or harassment that is not considered unlawful discrimination will be referred to the HR Department Employee Relations Division (Employee Relations Division) for investigation. Complaints of this nature may be referred back to the originating department for investigation. Investigative findings will be forwarded to the Employee Relations Division to ensure appropriate action is taken under this Policy.
- B. Violations of the bullying or harassment provisions of this Policy may result in disciplinary action, up to and including termination.

## XII. SETTLEMENT AND REMEDIATION OF CLAIMS AND COMPLAINTS

- A. If the County's EEO Committee determines that a violation of this Policy has occurred, appropriate remedial action shall be taken under the direction of the County Manager. All communications regarding settlements or other action having fiscal impact will be supervised by the Clark County Department of Finance. All necessary training will be coordinated by the OOD. The County Manager may assign staff or outside resources to mediate among the parties.
- B. If the County's EEO Committee determines that a violation of this Policy has occurred, remedial action, including, if necessary, discipline commensurate with the severity of the violation shall be undertaken by staff as directed by the County Manager. After the County's EEO Committee has made a finding, the complainant may not proceed on the same facts and legal theory before any other County administrative body or officer.

## XIII. RESPONSIBILITIES OF COVERED COUNTY EMPLOYEES

- A. All covered County employees who are subjected to or are witnesses to conduct in violation of this Policy are encouraged to report the conduct at the earliest possible stage in order to prevent its escalation, and allow the County to take appropriate action to remedy the offensive conduct. Covered County employees may report prohibited conduct to OOD, HR Department, his or her supervisor and/or manager, or department management.
- B. Department management, managers, or supervisors shall expeditiously as possible make a report to the OOD or the HR Department based on the type of complaint. No supervisor, manager, or department head has authority to agree not to transmit a report or to agree to a delay in transmitting a report. Failure of a supervisor, manager, or department management to discharge responsibilities under this paragraph is a violation of this Policy and may result in disciplinary action, up to and including termination.
- C. All department heads shall implement this Policy by:
  - 1. Rigorously enforcing the standards imposed by this Policy;

2. Developing and disseminating appropriate departmental procedures that communicate to covered County employees that violations of this Policy will not be tolerated and will result in disciplinary action, up to and including termination;
  3. Taking appropriate action to ensure that complaints are promptly forwarded to OOD for investigation;
  4. Imposing recommended disciplinary action, up to and including termination, when violations of this Policy are confirmed; and
  5. Ensuring that covered County employees receive periodic training regarding this Policy.
- D. Anonymous complaints containing allegations of conduct in violation of this Policy should be submitted or forwarded to the Director of the HR Department. The HR Department may investigate an anonymous complaint if specific information related to the alleged incident(s) (e.g. persons involved, description of the conduct, and place of the incident(s)) is included in the anonymous complaint.
- E. Failure of a department head to discharge responsibilities outlined in this section is a violation of this Policy and may result in disciplinary action, up to and including termination.

#### XIV. REPORTS TO EXTERNAL AGENCIES

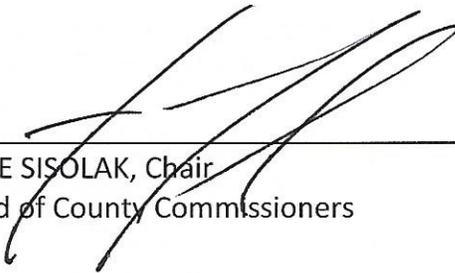
- A. Covered County employees may seek external review of a harassment complaint or the County's employment practices by filing a complaint with the U.S. Equal Employment Opportunity Commission and/or the Nevada Equal Rights Commission. Certain procedural requirements and deadlines may apply. Information regarding these agencies is posted on departmental bulletin boards and is available on the Internet.

#### XV. TRAINING

- A. The County Manager is responsible for developing a program of training to ensure the working environment is free from all acts of discrimination and harassment outlined in this Policy. The program of training will require that new covered County employees of Clark County receive training regarding this Policy within 30 days after beginning employment and that all covered County employees of Clark County receive training regarding this Policy at least once every (2) years. Newly promoted supervisors, managers, and department heads shall attend a program of training within the first 60 days of promotion.

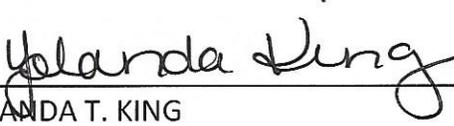
XVI. COMPLIANCE

- A. Adherence to this Policy is mandatory. Any covered County employee who fails to comply with this Policy is subject to disciplinary action, up to and including termination.



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STEVE SISOLAK, Chair  
Board of County Commissioners



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YOLANDA T. KING  
County Manager

Adopted: April 17, 2018