
Discriminatory Harassment

324.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent Department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

324.2 POLICY

The Yolo County Probation Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of discrimination and harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline. This policy does not replace the "Equal Employment Opportunity and Harassment" policy in the Yolo County's Administrative Policies and Procedures Manual.

324.3 DISCRIMINATION PROHIBITED

324.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on the actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters or material; making inappropriate physical contact; or using written material or Department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to Department policy and to a work environment that is free of discrimination.

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324.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he or she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

324.4 RESPONSIBILITIES

This policy applies to all Department personnel. All employees shall follow the intent of these guidelines in a manner that reflects Department policy, professional law enforcement standards and the best interest of the Department and its mission.

Employees must promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a Supervisor. Any employee who is not comfortable with reporting violations of this policy to his or her immediate Supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief Probation Officer or County Human Resources.

Any employee who believes, in good faith, that he or she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, must report such conduct in accordance with the procedures set forth in the "Equal Employment Opportunity and Harassment" policy in Yolo County's Administrative Policies and Procedures Manual.

324.5 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he or she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his or her term of employment.

324.5.1 STATE-REQUIRED TRAINING

The Training Officer should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Govt. Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

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324.5.2 TRAINING RECORDS

The Training Officer shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years. (2 CCR 11024.)

324.6 REQUIRED POSTERS

The Department shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members. (Govt. Code § 12950.)

324.7 WORKING CONDITIONS

The Chief Probation Officer or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other County employees who are similarly tasked. (2 CCR 11034.)