

BLOUNT COUNTY ABUSIVE CONDUCT PREVENTION **POLICY**

Statement of commitment, Values, and Purpose

All departments and divisions of Blount County Government are firmly committed to a workplace free from abusive conduct as defined herein. Prevention of abusive conduct in the workplace begins with a healthy organizational culture in which positive behaviors are encouraged and where processes and procedures to address negative behavior are in place. Organizations focused on respect, civility, collaboration, innovation, and positive employer/employee relationships do not foster nor condone abusive conduct. Conversely, organizations that focus solely on what is done wrong and the process to correct it, and consider the bottom line more than their most valuable asset -employees- foster a workplace in which abusive conduct is normal.

It is the goal of Blount County Government to provide products and services in an environment that fosters respect, collaboration, openness, safety, and equality. We recognize that all employees have the right to be treated with dignity and respect. All complaints of negative and inappropriate workplace behaviors will be taken seriously and followed through to resolution. Employees who file complaints will not suffer negative consequences for reporting others for inappropriate behavior.

This policy applies to all full-time and part-time employees of Blount County including interns. It does not apply to independent contractors but other contract employees are included. This policy applies to any sponsored program, event or activity including, but not limited to, sponsored recreation programs and activities, and the performance by officers, administrators, supervisors, and employees of their employment duties. This policy includes electronic communications by any employee.

Definition of Abusive Conduct

Abusive conduct includes acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, which can include but is not limited to,

- Any unwelcome verbal, written or physical conduct that either degrades or shows hostility or aversion towards a person that
 1. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
 2. Has the purpose or effect of unreasonably interfering with an employees work performance;
 3. Affects an employee's employment opportunities or compensation.
- Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
- Verbal, nonverbal, or physical conduct of a threatening, intimidating, humiliating, or harassing nature in the workplace; or
- The sabotage or undermining of an employee's performance evaluation in the workplace; or
- Falsely accusing an employee of violation of policy or regulations; or
- Bringing charges of misconduct against an employee without merit or documentation.

A single act generally will not constitute abusive conduct, unless such conduct is determined to be severe and egregious.

Abusive conduct does **not** include

- Disciplinary procedures in accordance with adopted policies of Blount County Government
- Routine coaching and counseling, including feedback about and correction of work performance
- Reasonable work assignments, including shift, post, and overtime assignments
- Individual differences in styles of personal expression
- Passionate, loud expression with no intent to harm or disparage others
- Differences of opinion on work-related concerns
- The non-abusive exercise of managerial prerogative

EMPLOYER RESPONSIBILITY

Supervisors and others in positions of authority have a particular responsibility to ensure that healthy and appropriate behaviors are exhibited at all times and that complaints to the contrary are addressed in a timely manner. Supervisors shall

- Provide a working environment as safe as possible by having preventative measures in place and by immediately dealing with threatening or potentially violent situations;
- Provide good examples by treating all with courtesy and respect;
- Ensure that all employees have access to and are aware of the abusive conduct policy and explain the procedures to be followed if a complaint of inappropriate behavior at work is made;
- Be vigilant for signs of inappropriate behaviors at work through observation and information seeking, and take action to resolve the behavior before it escalates;
- Respond promptly, sensitively and confidentially to all situations where abusive behavior is observed or alleged to have occurred.

EMPLOYEE RESPONSIBILITY

Employees shall treat all other employees with dignity and respect. No employee shall engage in threatening, violent, intimidating or other abusive conduct or behaviors. Employees are expected to assume personal responsibility to promote fairness and equity in the workplace and report any incidents of abusive conduct in accordance with this policy.

Employees should cooperate with preventative measures introduced by supervisors and recognize that a finding of unacceptable behaviors at work will be dealt with through appropriate disciplinary procedures.

RETALIATION

Retaliation is a violation of this policy and will not be tolerated. Retaliation is **any** act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

TRAINING FOR SUPERVISORS AND EMPLOYEES

All supervisors and employees are encouraged to undergo training on abusive conduct prevention as directed by Blount County Government. Training should identify factors that contribute to a respectful workplace, familiarize participants with responsibilities under this policy, and provide steps to address an abusive conduct incident.

COMPLAINT PROCESS

Blount County Government will courteously treat any person who invokes this complaint procedure and will handle all complaints swiftly and confidentially to the extent possible in light of the need to take appropriate corrective action. Because of the damaging nature of harassment to the victims and to the entire workforce, aggrieved employees are strongly urged to use this procedure. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Reporting

- 1. Employees:** Any employee who feels he or she has been subjected to abusive conduct is encouraged to report the matter orally or in writing to a supervisor including his or her supervisor, manager, appointing authority, elected official, or to the human resources office. Employees should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the representatives identified herein.

Any employee seeking to file a complaint should ensure the complaint consists of precise details of each incident of abusive conduct including dates, times, locations and any witnesses. Formal complaints should be documented in writing, but are not required to be in writing.

- 2. Witnesses:** An employee who witnesses or is made aware of behavior that may satisfy the definition of abusive conduct (as defined herein) should report any and all incidents as set forth herein.
- 3. Supervisors:** Supervisors must timely report known incidents involving workplace abuse, intimidation, or violence to the Human Resources Director, appointing authority, or investigator as nominated by the Human Resources Committee and approved by the Blount County Legislative Body. Supervisors and appointing authorities are required to take reasonable steps to protect the complainant, including, but not limited to, separation of employees involved.

The person complained against shall be notified that an allegation has been made against him or her and informed of the investigative procedures.

Confidentiality

During the complaint process, the confidentiality of the information received, the privacy of the individuals involved and the wishes of the complaining person will be protected to as great a degree as is legally possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of the company's legal obligation to act on the charge and the right of the charged party to obtain information. In most cases, however, confidentiality will be strictly maintained by the company and those involved in the investigation. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law.

Complaint procedure

Blount County Human Resources has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. Human Resources will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. An individual who feels harassed, discriminated or retaliated against may initiate the complaint process by filling out an official complaint form with Blount County's Human Resource (HR) director. No formal action will be taken against any person under this policy unless HR has received a written and signed complaint form containing sufficient details to determine if the policy may have been violated. The complainant (the employee making the complaint) may obtain the complaint form from the HR department. If a supervisor or manager becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an employee's coming forward, the supervisor or manager should immediately report it to the HR director.
2. Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the HR director will notify the parties and review the complaint with Blount County's General Services Director.
3. Within five working days of receiving the complaint, the HR director will notify the person(s) charged [hereafter referred to as "respondent(s)"] of a complaint and initiate the investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
4. During the investigation, the HR director, the General Services Director, other management employees, and legal counsel (if needed), will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
5. Within 15 business days of the complaint being filed (or the matter being referred to the HR director), the HR director or other person conducting the investigation will conclude the investigation and complete a written report of his or her findings.
6. If it is determined that harassment or discrimination in violation of this policy has occurred, the HR director will recommend appropriate disciplinary action. The appropriate action will depend on the following factors: a) the severity, frequency and pervasiveness of the conduct; b) prior complaints made by the complainant; c) prior complaints made against

the respondent; and d) the quality of the evidence (e.g., first-hand knowledge, credible corroboration).

7. If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the HR director may recommend appropriate preventive action.
8. Within five days after the investigation is concluded, the HR director will meet with the complainant and the respondent separately, notify them of the findings of the investigation, and inform them of the action being recommended.
9. The complainant and the respondent may submit statements to the HR director challenging the factual basis of the findings. Any such statement must be submitted no later than five working days after the meeting with the HR director in which the findings of the investigation are discussed.

Investigation

Investigations of abusive conduct shall be conducted as soon as practicable and in accordance with the policies and practices of Blount County Government. The objective of the investigation is to first ascertain whether the behaviors complained of occurred, and therefore will include interviewing the complainant, accused, and witnesses with direct knowledge of the alleged behaviors. All interviews will be appropriately documented. The investigation will be conducted thoroughly, objectively, with sensitivity, and with due respect for all parties. The investigator shall provide a copy of the investigative report to the appointing authority for further action. All affected parties shall be informed of the investigation's outcome.

Corrective Action

In the event there is a finding of abusive behavior, the employer will take immediate and appropriate corrective action. Remedies may be determined by weighing the severity and frequency of the incidences of abusive conduct and in accordance with existing disciplinary policies of Blount County Government.

Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action may include but is not limited to participation in counseling, training, and disciplinary action up to and including termination, or changes in job duties or location.

Supervisory personnel who allow abusive conduct to continue or fail to take appropriate action upon learning of such conduct will be subject to corrective action. Such corrective action may include but is not limited to participation in counseling, training, or disciplinary action up to and including termination, or changes in job duties or location.

While the Blount County Government encourages all employees to raise any concern(s) under this policy and procedure, the Blount County Government recognizes that intentional or malicious false allegations can have a serious effect on innocent people. Individuals found to falsely accuse another of violations of this policy shall be disciplined in accordance with the disciplinary policy of Blount County Government.

Any employees exhibiting continuing emotional or physical effects from the incident in question should be informed of established employee assistance programs or other available resources. When abusive conduct has been confirmed, the employer will continue to keep the situation under review and may take additional corrective actions if necessary. Preventative measures may also be taken to reduce the reoccurrence of similar behavior or action.

Confidentiality

To the extent permitted by law, the Blount County Government shall maintain the confidentiality of each party involved in an abusive conduct investigation, complaint or charge, provided it does not interfere with the ability to investigate the allegations or to take corrective action. However, state law may prevent the employer from maintaining confidentiality of public records. Therefore, Blount County Government cannot guarantee confidentiality.