DEPARTMENT OF NATURAL RESOURCES

Human Resources Policy No: 10

EFFECTIVE DATE: **MARCH 11, 2015**

SUBJECT: **WORKPLACE HARASSMENT AND DISCRIMINATION**

AUTHORIZATION: **STEPHEN CHUSTZ, SECRETARY**

I. POLICY

Harassment is deliberate, persisting conduct purposefully directed to an individual which inflicts emotional distress, unreasonably interferes with the individual's work performance or intentionally creates an intimidating, hostile or offensive work environment. Discrimination is conduct which evidences bias, prejudice, dislike or disfavor towards an individual or class of individuals based upon prohibited, non-merit factors. Discrimination also includes conduct or decisions which evidence preference for or favoritism towards an individual or class of individuals based upon prohibited, non-merit factors.

The Department of Natural Resources (DNR) strictly prohibits workplace harassment and discrimination on the basis of race, color, gender, sex, pregnancy, age, disability, religion, national origin, military service, sickle cell trait, protected genetic information or other non-merit factor. DNR also strictly prohibits employment decisions based upon or influenced by such factors. These decisions include recruitment, hiring, advancement, discipline, evaluations, wages, assigned duties, benefits and other such terms or conditions of employment or career development.

II. PURPOSE

DNR is committed to providing its employees a work environment free of harassment and discrimination. To do so, DNR has established this policy to define the many forms of harassment and discrimination that are prohibited in the workplace, and the procedure for effectively reporting such inappropriate conduct.

III. APPLICABILITY

This policy applies to all DNR employees, regardless of status or position.

IV. PROHIBITED CONDUCT

In general, harassment and discrimination include epithets, slurs, name-calling, jokes, negative stereotyping, ostracism and favoritism based upon a prohibited factor. Additionally, writings, pictures, caricatures, cartoons and the like which degrade, demean

or otherwise show hostility towards an individual because of or based upon a prohibited factor constitute harassment and discrimination. Particular forms of harassment and discrimination prohibited by this policy include:

1) **Harassment/Discrimination based on race or color:** Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon an individual's race or color. People of any race or color may be victims of racial harassment or discrimination. Also includes employment decisions based upon an individual's race or color.

2) **Harassment/Discrimination based on gender**: Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon an individual's gender. Also includes employment decisions, especially regarding the payment of wages and benefits, based upon an individual's gender. The Equal Pay Act requires that employers equally pay males and females for equal work on jobs which require equal skill, effort and responsibility and which are performed under similar working conditions.

3) **Harassment/Discrimination based on sex:** Includes verbal or physical conduct of a sexual nature that creates an intimidating, hostile or offensive work environment, including unwelcomed sexual advances and requests for sexual favor. Both males and females may be victims of sexual harassment or discrimination. See DNR's Policy Prohibiting Sexual Harassment for specific prohibitions and reporting requirements.

4) **Harassment/Discrimination based on pregnancy:** Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon pregnancy, childbirth or related medical conditions. Special leave and workplace accommodations under state and federal law must be afforded pregnant females. Also includes employment decisions based upon an individual's pregnancy.

5) **Harassment/Discrimination based on age:** Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon an individual's age. The Age Discrimination in Employment Act (ADEA) protects individuals age 40 and over and prohibits employment decisions based upon an individual's age.

6) **Harassment/Discrimination based on disability**: Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon an individual's physical or mental impairment, limitations or disability. Also includes employment decisions based upon the perception that an individual is physically or mentally impaired or disabled.

An individual with a disability who satisfies the requisite skill, experience, education, training and other job-related requirements of the position he/she holds or desires and who, with or without reasonable accommodation, can perform the essential functions of the position is protected from discriminatory employment practices and decisions. DNR's policy implementing the Americans with Disabilities Act provides comprehensive information regarding the requirements of the ADA.

7) **Harassment/Discrimination based on religion:** Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon an individual's religion or religious beliefs. People of any faith may be victims of religious harassment. Also includes employment decisions based upon an individual's religion/beliefs.

8) **Harassment/Discrimination based on national origin/ethnicity:** Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon an individual's national origin or ethnicity. Examples include inappropriate behavior because of an individual's birthplace, ancestry, culture, surname or other characteristics common to a specific ethnic group. Also includes employment decisions based upon an individual's national origin or ethnicity.

9) **Harassment/Discrimination based on military service**: Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon an individual's military service. Also includes employment decisions based upon an individual's military service. The Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA) affords military servicemen special leave, benefits and return-to-work entitlements. Under no circumstance should employment decisions be influenced by an individual's military service nor should an employee's rights under USERRA be disregarded or denied.

10) **Harassment/Discrimination based on sickle cell trait:** Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon an individual possessing the sickle cell trait. Also includes employment decisions based upon such non-merit factor.

11) **Harassment/Discrimination based on genetic information:** Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon information known regarding an individual's genetic test results, such results of the individual's family or the existence of a genetic disease, medical condition or disorder suffered by the individual or his/her family members. DNR may not require production of or otherwise obtain protected genetic information on an individual, nor request information regarding genetic services provided to an individual.

12) **Harssment/Discrimination based upon political beliefs/affiliation:** Includes verbal or physical conduct that creates and intimidating, hostile or offensive work environment based upon an individual's political beliefs or membership in a particular political party. Also includes employment decisions based upon an individual's political beliefs/affiliations.

V. COMPLAINT PROCEDURE

Any employee experiencing or witnessing harassment/discrimination of any nature by anyone, including an administrator, manager, supervisor, co-worker, vendor, contractor or visitor, immediately shall report the inappropriate conduct. Any such complaint may be made verbally or in writing. Under most circumstances, complaints should be made to the employee's supervisor. If the complaint involves the employee's supervisor or someone within the direct line of supervision, or if the employee, for any reason, is uncomfortable reporting to his/her supervisor, he/she may contact any other supervisor or directly contact the Human Resources Division.

VI. INVESTIGATION OF COMPLAINTS

1) All reports and complaints of harassment, discrimination or other such inappropriate behavior immediately shall be reported to the Human Resources Director who generally will direct the investigative process.

2) The Human Resources Director shall ensure that **all** such reports and complaints are promptly and thoroughly investigated. "Informal" complaints or requests to withhold investigation (unless or until a future occurrence) will be treated the same as a formal complaint and investigated immediately.

3) To prevent further occurrences and facilitate the investigative process, temporary reassignments, transfers, forced placement off from work or other personnel actions permissible under the Civil Service Rules may be utilized.

4) The investigation will be thorough and include interviews with the complainant, the accused, witnesses and other individuals possessing relevant information. Records, logs, reports or other documentation pertinent to the investigation also will be reviewed.

5) The investigative process generally will be memorialized such that those involved may be required to prepare written statements or provide statements.

6) Employees called upon to participate in the investigative process are required to answer all questions truthfully and cooperatively.

7) The investigative process will be conducted expeditiously and professionally, with appropriate emphasis upon the rights of all involved.

8) To the extent allowed by law, the investigative process will be conducted in a confidential manner, with only those in a need-to-know position involved.

9) To preserve the integrity of the investigative process and protect the privacy rights of all concerned, employees are prohibited from discussing the occurrence of a complaint and the facts related thereto unless called upon to participate in the investigation.

10) The complaining employee and accused will be apprised of the outcome of the investigation, with appropriate emphasis on the rights of all involved.

VII. COMPLAINT RESOLUTION

1) Any employee found, after investigation, to have engaged in prohibited harassment or discrimination will be subject to corrective action authorized by the Civil Service Rules, may include counseling, reprimand, suspension, reduction in pay, demotion or termination.

2) In addition to corrective action, other appropriate measures, including re-training, follow-up inquiries, relocation, reassignment, etc. may be utilized to ensure that the inappropriate behavior does not recur.

3) Any employee found, after investigation, to have:
   a) Provided false information during the investigative process;
   b) Refused to participate in the investigative process;
   c) In some fashion impeded the investigative process; or
   d) Unnecessarily or inappropriately discussed a pending complaint, the facts related thereto or investigation thereof;

   will be subject to corrective action authorized by the Civil Service Rules, which may include counseling, reprimand, suspension, reduction in pay, demotion or termination.

4) Complaints found, after investigation, to have been made in bad faith or with malice will be appropriately addressed, with consideration given to the negative impact upon the accused and the department's operations, and the resources used during the investigative process.

VIII. NON-RETALIATION

1) Any employee making a good faith complaint of prohibited harassment or discrimination will be protected from harassment, retaliation and reprisal.

2) Any employee providing information or participating in the investigation of a complaint of harassment or discrimination will be protected from harassment, retaliation and reprisal.

3) If a complaint is made and the investigation reveals that harassment, retaliation or reprisal has occurred against a complaining employee or anyone participating in the investigative process, disciplinary action will be imposed, including the possibility of termination.

IX. FEDERAL AND STATE LAWS

This policy is intended to supplement rather than replace or supersede the private and/or statutory procedures regarding harassment/discrimination available to employees under state and federal law including, but not limited to, Title VII of the Civil Rights Act of 1964, as revised, La. R.S. 23:331 et seq., the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Equal Pay Act and the Pregnancy Discrimination Act. Employees should be aware of the time delays and requisites of law which require the filing of a complaint with the Equal Employment Opportunity Commission or the Louisiana Commission on Human Rights prior to instituting litigation. This information is posted throughout DNR and is available from the Human Resources Division.

X. VIOLATIONS

Violations of this policy will result in disciplinary action, up to and including termination.

XI. QUESTIONS

Questions or concerns regarding harassment or discrimination, or the application or enforcement of this policy should be addressed to the Human Resources Director. Except for compelling reasons, any such inquiries will be maintained in strict confidence.

STEPHEN CHUSTZ, SECRETARY

3/10/15

DATE

* * * * * * * * * * * * * * * * * * *

INITIAL ISSUE DATE: 02/99

REVISION DATES: 11/02; 02/12

DEPARTMENT OF NATURAL RESOURCES

WORKPLACE HARASSMENT AND DISCRIMINATION POLICY

EMPLOYEE ACKNOWLEDGMENT

My signature hereon acknowledges that:

1) I have received a copy of the Department of Natural Resources' policy prohibiting Workplace Harassment and Discrimination;

2) I have read this Policy;

3) I understand the content of this Policy;

4) I agree to comply with the terms and provisions of this Policy;

5) I understand that compliance with this Policy is a condition of employment/continued employment; and

6) I understand that disciplinary action, including the possibility of termination, will be imposed for violating the terms and conditions of this Policy.

_____

EMPLOYEE SIGNATURE

_____

EMPLOYEE NAME (PRINT)

_____

DATE