

DEPARTMENT OF NATURAL RESOURCES

Human Resources Policy No: 10
Effective Date: February 24, 1999
Subject: Workplace Harassment/Discrimination
Authorization: R.S. 36:354

I. Policy:

The Louisiana Department of Natural Resources strictly prohibits harassment and discrimination in the workplace on the basis of race, color, religion, sex, gender, age, disability, political affiliation, pregnancy, military service, national origin, sickle cell trait and protected genetic information. Verbal or physical conduct which creates an intimidating, hostile or offensive work environment will not be tolerated. Examples of behavior constituting harassment or discrimination include epithets, slurs, name-calling, jokes and negative stereotyping. Similarly, written and pictorial materials which degrade, demean or otherwise show hostility towards an employee because of race, color, religion, sex, gender, age, disability, political affiliation, pregnancy, military service, national origin, sickle cell trait and protected genetic information are likewise prohibited.

The Department also strictly prohibits employment decisions based upon or influenced by non-merit factors such as race, color, religion, sex, gender, age, disability, political affiliation, pregnancy, military service, national origin, sickle cell trait and protected genetic information. Such employment decisions include recruiting, hiring, continued employment, evaluations, wages, promotions, training, assigned duties, shift assignments, layoffs, educational opportunities, and other such terms or conditions of employment or career development.

II. Applicability:

This policy applies to all employees of the Department of Natural Resources, regardless of status.

III. Purpose:

The Department is committed to providing our employees a work environment free of harassment and discrimination. To do so, the Department 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 conduct.

IV. Definitions/Explanations:

- A. **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 favors.
- B. **Harassment/Discrimination based on gender:** Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon gender. Both males and females can be victims of gender harassment. This also includes employment decisions based upon an individual's gender. The Equal Pay Act requires that employees equally pay men and women for equal work on jobs which require equal skill, effort and responsibility and which are performed under similar working conditions.
- C. **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 to pregnant females. This also includes employment decisions based upon an individual's pregnancy.

The Department provides lactation rooms to ensure that mothers have a secure, private location within which to breastfeed or express milk for their babies.
- D. **Harassment/Discrimination based on race, color or ethnicity:** Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon an individual's race or color or racial ancestry. People of any race, color or ethnicity may be victims of racial harassment/discrimination. This also includes employment decisions based upon an individual's race, color or ethnicity.
- E. **Harassment/Discrimination based on religion:** Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon religion or religious beliefs. People of any faith may be victims of religious harassment. This also includes employment decisions based upon an individual's religion.
- F. **Harassment/Discrimination based on national origin:** Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon national origin. Examples include inappropriate behavior because of an individual's birthplace, ancestry, culture, surname or other characteristics common to a specific ethnic group. This also includes employment decisions based upon an individual's national origin.

- G. Harassment/Discrimination based on age:** Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon age. The Age Discrimination in Employment Act (ADEA) protects individuals age 40 and over and prohibits employment decisions based upon an individual's age.
- H. Harassment/Discrimination based upon political beliefs/affiliation:** Includes verbal or physical conduct that creates an 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/affiliation.
- I. Harassment/Discrimination based upon disability:** Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon disability. This also includes employment decisions based upon an individual's disability. The Americans with Disabilities Act prohibits employers from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training and other terms, conditions and privileges of employment.
- J. Harassment/Discrimination based upon military service:** Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon an individual's military service. This 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, benefit entitlements and protections.
- K. Harassment/Discrimination based upon sickle cell trait:** Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment because an individual has the sickle cell trait. This also includes employment decisions because an individual has the sickle cell trait.
- L. Harassment/Discrimination based upon protected genetic information:** Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon an individual's protected genetic information. This also includes employment decisions based upon an individual's protected genetic information.

V. Complaint Procedure:

Any employee experiencing or witnessing harassment/discrimination of any nature by anyone, including any administrator, supervisor, co-worker, vendor, contractor or visitor, shall immediately 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 Director.

VI. Investigation of Complaint:

- A) All reports of harassment, discrimination or other such inappropriate behavior shall immediately be reported to the Human Resources Director who generally will direct the investigative process.
- B) The Department will investigate **all** complaints. "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.
- C) To prevent further occurrences or to facilitate the investigative process, temporary reassignments, transfers, forced leave or other personnel actions permissible under the Civil Service Rules may be utilized.
- D) The investigative process 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 will be reviewed.
- E) The investigative process will generally be memorialized, thus requiring that all involved prepare written statements or provide verbal statements that will be recorded.
- F) Persons called upon to participate in the investigation are required to answer all questions truthfully and cooperatively.
- G) The investigative process will be conducted expeditiously and professionally, with appropriate emphasis on the rights of all involved.
- H) The investigative process will be conducted in a confidential manner, with only those in a need-to-know position involved.
- I) 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:

- A. Any employee found, after investigation, to have engaged in prohibited harassment/discrimination will be appropriately disciplined in accordance with the Civil Service Rules. Such action may include counseling, reprimand, suspension, demotion, reassignment or termination.

- B. In addition to corrective action, other appropriate measures, including training and follow-up inquiries, will be utilized to insure that such behavior does not recur.

VIII. Non-Retaliation:

- A. Any employee making a good faith complaint of prohibited harassment/discrimination will be protected from retaliation, reprisal and harassment. Likewise, any employee providing information or participating in the investigation of a complaint of harassment/discrimination will be protected from retaliation, reprisal and harassment.
- B. If a complaint is made and the investigation reveals that retaliation, reprisal or harassment has occurred against a complaining employee or anyone participating in the investigative process, severe disciplinary action will be taken, including the possibility of termination from the classified service.

IX. Federal and State Laws:

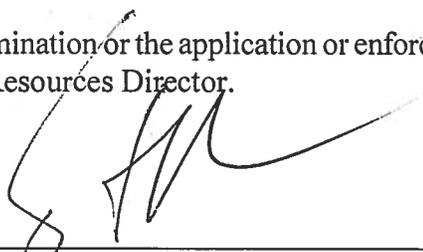
This policy is intended to supplement rather than replace or supersede the private and/or statutory procedures regarding harassment/discrimination available to employees under state and federal law including, but not limited to, Title VII of the Civil Rights Act of 1964, as revised, La. R.S. 23:331 et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

X. Exclusions:

There are no exclusions to this policy.

XI. Questions/Comments:

Questions or concerns regarding harassment/discrimination or the application or enforcement of this policy should be addressed to the Human Resources Director.



Scott A. Angelle, Secretary

2/27/2012

Date