



**DEFINITIONS**

**Continued:**

(b) submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual;

(c) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**General harassment** means psychological violence such as bullying, mobbing, teasing, ridicule or any other act or words that could psychologically hurt or isolate a person in the workplace. Where one employee targets another employee to unjustified criticism and trivial fault-finding. In addition, he or she humiliates the target, especially in front of others, and ignores, overrules, isolates and excludes the target.

**Workplace harassment** means any form of offensive treatment or behavior which to a reasonable person creates an intimidating, hostile or abusive work environment. It may be sexual, racial, religious, or based on a person's age, disability, national origin or status as a member of a protected class.

**GUIDELINES:**

- I. How the victim feels is important. Courts have upheld that harassment is defined by the victim.
- II. If workplace conduct/behavior of a questionable nature is observed by, or reported to, a manager or supervisor, he /she shall immediately consult Personnel Manager/designee.
- III. Filing a harassment complaint with the department does not prohibit the complainant from filing a grievance or a complaint with any other agency of the state or federal government.
- IV. Non-retaliation. This policy prohibits retaliation against employees who bring charges of conduct in violation of this policy or assist in investigating charges, or who report harassing behaviors directed at persons other than the employee. Any employee found to have engaged in retaliatory action or behavior will be subject to discipline, up to and including dismissal.
- V. Supervisors should avoid developing close personal or romantic relationships with any employee who reports directly or indirectly to them. However, if such a relationship exists or does develop the supervisor shall notify the Division Administrator and the Personnel Manager.

**PROCEDURES:**

**An employee represented by the Union may at any time during this process request representation by the Union.**

**Step Responsible Party**

**Action**

**HARASSMENT DISCRIMINATION COMPLAINT**

1. Employee  
Reports incident(s) to his/her supervisor, any other manager, or Personnel Manager/designee. Employees may file an oral complaint or written complaint by use of the "Harassment and/or Complaint Form" (Attachment A) or any other medium.
2. Supervisor or Manager  
Immediately contacts the Personnel Manager/designee and Division Administrator, with the oral or written complaint.
3. Division Administrator and Personnel Manager/designee  
Jointly determine what action shall be taken. Such action shall include, but may not be limited to:
  - a. record the complaint in writing using the "Harassment and/or Complaint Form" (Attachment A);
  - b. inform the alleged harasser about the complaint;
  - c. investigate the complaint;
  - d. determine whether the alleged conduct occurred and the appropriate type and level of corrective action, if any;
  - e. implement corrective disciplinary action pursuant to the collective bargaining agreement and/or state policy as appropriate, and;
  - f. respond to complainant and alleged harasser in writing within 30 days of receiving the complaint on the final disposition or the expected closure date if more time is necessary to complete the process.
  - g. if complaint cannot be completed in 60 days Personnel must submit the director of the agency a written explanation and notify the complainant that the director has been notified of the delay.

**DISCRIMINATION GRIEVANCE**

1. Employee  
May file a discrimination grievance alleging discrimination in the form of harassment, as follows:
  - a. classified represented employee may file a grievance or charge of discrimination in accordance with Article 22 of the SEIU/OPEU Collective Bargaining Agreement or,
  - b. classified unrepresented, unclassified unrepresented, management, executive service or temporary employees, volunteers, applicants, clients and others may file a discrimination grievance according to HRSD Policy 50.010.01 (5) Grievance/Complaint Procedure.

**PROCEDURES**

**Continued:**

**Step Responsible Party**

**Action**

**EXTERNAL FORMS OF COMPLAINT**

1. Employee  
May file a complaint directly with any of the following agencies:
  - a. Oregon Bureau of Labor and Industries (BOLI)  
Civil Rights Division  
800 NE Oregon Ave. #32  
Portland, OR 97323  
(503) 731-4106 (voice or TTY)
  - b. Equal Employment Opportunity Commission  
(EEOC) Seattle District Office  
909 First Avenue Ste 400  
Seattle, WA 98104-1061  
(206) 220-6883 (voice), (206) 220-6882 (TTY)

**Department of Administrative Services  
Harassment and/or Complaint Form**

To: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Filing the Complaint: \_\_\_\_\_

Immediate Supervisor: \_\_\_\_\_

Name of person(s) against whom the charge(s) are made: \_\_\_\_\_

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Clearly and concisely state the facts constituting each alleged complaint. When known, include the dates, times, and places of the acts that occurred (use extra paper if necessary):

Name(s) of witness(es): \_\_\_\_\_

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Signature of Person filing Complaint

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Date

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Signature of Person drafting Complaint  
(If other than Complainant)

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Date