

P.O. 212 Discrimination and Harassment Complaint Procedure

Effective From:

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Effective To:

Current

L. P.O. 212 - Discrimination and Harassment Complaint Procedure

1. PURPOSE

- i) The purpose of this procedure is to establish a uniform policy for the reporting, investigation and review of incidents involving discrimination and harassment involving Public Safety Services employees.

2. INTRODUCTION

- i) Discrimination in employment against protected classes of people is prohibited by law.
- ii) Employees wishing to file a complaint of discrimination, harassment, or retaliation may utilize any or all the procedures listed in this Complaint Procedure. Complaints not alleging discrimination, harassment, or retaliation should be pursued through the internal Three Step Grievance Procedure and, if appropriate, through applicable Civil Service/State Police Commission Rules. [\(See Rule 13.13\).](#)
- iii) Use of this Complaint Procedure does not preclude any employee from seeking recourse through the appropriate state or federal agencies at any time. Therefore, if an employee wishes to file a complaint of discrimination, harassment, or retaliation, he/she has the following options:
 - a) File an internal complaint pursuant to this internal Discrimination and Harassment Complaint Procedure;
 - b) File a complaint directly with the Civil Service Commission/State Police Commission pursuant to [Chapter 13](#) of the Civil Service Rules/State Police Commission Rules;
 - c) File a complaint directly with the Louisiana Commission on Human Rights (LCHR) or the Equal Employment Opportunity Commission (EEOC);
 - d) File complaints with the LCHR, EEOC, Civil Service Commission/State Police Commission at the same time, or
 - e) File a complaint with the Civil Service Commission/State Police Commission first and then file a complaint with the other agencies at a later date if not satisfied with the progress of an investigation by one agency.

3. PROHIBITED CONDUCT

- i) To ensure that all of our workers enjoy a working environment free from harassment and discrimination, we prohibit any person from harassing or discriminating against any employee or other worker because of race, color, sex (whether or not sexual in nature), pregnancy, religion, national origin, age, disability, veteran status, protected activity (such as opposition to prohibited discrimination or participation in the statutory complaint process) or any other basis prohibited by law. Prohibited conduct includes but is not limited to:
 - a) Making decisions relating to a person's employment, evaluation, wages, advancement, assigned duties, or any other conditions of employment based on race, color, religion, sex, pregnancy, national origin, age, disability, veteran status, protected activity or any other basis prohibited by law.
 - b) Making offensive or derogatory statements, comments, slurs or gestures because of a person's race, color, sex, pregnancy, religion, national origin, age, disability, veteran status protected activity or any other basis prohibited by law.
 - c) Engaging in any other verbal or non-verbal behavior of an offensive or derogatory nature, because of a
 - d) person's race, color, sex, pregnancy, religion, national origin, age, disability, veteran status, protected activity or any other basis prohibited by law.
 - e) Unreasonably interfering with work performance or creating an offensive or

intimidating working environment because of a person's race, color, sex, pregnancy, religion, creed, national origin, age, disability, veteran status, protected activity or any other basis prohibited by law.

- f) Engaging in unwelcome: flirtation, sexual advances, requests for sexual favors, propositions, and other verbal or physical conduct of a sexual nature, or displaying sexually suggestive objects, pictures or drawings, or inappropriate emails.
- g) Conditioning a person's employment, evaluation, wages, advancement, assigned duties, or any other condition of employment upon his or her submission to sexual advances.

4. RETALIATION IS PROHIBITED

- i) We prohibit retaliation against any individual who reports discrimination or harassment, participates in an investigation of a complaint under this policy or who otherwise acts to enforce or uphold this policy. Retaliation is a serious violation of this policy and will be subject to appropriate disciplinary action, up to and including dismissals. If you feel you are being retaliated against in violation of this policy, please follow the complaint procedures outlined below. We cannot take action to stop such behavior if we do not know about it. In the same manner, false accusations have a damaging effect on the accused and will not be tolerated. The act of making false accusations may lead to disciplinary actions. Questions from Public Safety Service employees regarding this procedure should be addressed to the Equal Employment Opportunity (EEO) Officer.

5. INDIVIDUALS AND CONDUCT COVERED

- i) This policy applies to all applicants, employees and other workers. The Department of Public Safety and Corrections, Public Safety Services, prohibits discrimination, harassment and retaliation by any person, including but not limited to supervisors, managers, co-workers, or non-employees, such as vendors, consultants, clients or customers. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as business trips, business meetings, and business-related social events.

6. REPORTING AN INCIDENT OF HARASSMENT, DISCRIMINATION OR RETALIATION

- i) The Department requires you to report all incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. If you feel you have been harassed or discriminated against, please follow the procedure in [Section 7 \(Reporting Procedures\)](#). Likewise, if you believe you have witnessed behavior that violates this policy, regardless of whether the behavior was directed at you, immediately report the incident by following the same procedure outlined below.
- ii) Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination, harassment or retaliation. We cannot remedy a problem unless we know about it. Therefore, while no fixed reporting period has been established, we strongly urge you to report all incidents and concerns immediately so that rapid and constructive action can be taken.
- iii) Important notice to all employees: Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. Failure to fulfill this obligation could affect your rights in pursuing legal action.

7. REPORTING PROCEDURES

- i) Public Safety Services requires anyone who feels he/she has been a victim of discrimination or harassment to report such incidents to the EEO Officer who serves as a neutral party in investigating the facts and circumstances of any allegation. The EEO Officer is a person officially designated and authorized to conduct inquiries into equal employment opportunity complaints. The EEO Officer will operate independently and free from departmental influence, and will conduct investigations as he or she sees fit. In the event that the EEO Officer is absent from duty, an acting EEO officer or investigating officer, shall be designated to act in his/her place by the Deputy Secretary of Public Safety

- Services for the length of the absence.
- ii) If the complaint is against the EEO Officer, or a complainant is uncomfortable about reporting to the EEO Officer, employees are to report allegations of discrimination, harassment, or retaliation to the Assistant Secretary of the Office of Legal Affairs or his designee. Alternatively, if the EEO Officer feels that the complaint would be better handled by another individual, the EEO Officer may seek the permission of the Deputy Secretary of Public Safety Services to have another investigating officer assigned to investigate the complaint. The assigned investigating officer shall initiate an internal investigation. Complainants are urged to report incidents as soon as possible, since a delay in reporting may make it difficult to gather appropriate information and documentation.
 - iii) All complaints of harassment, discrimination and/or retaliation will be promptly and thoroughly investigated. A clear written statement from the complainant assists the EEO Officer in conducting the investigation and will be requested by the EEO Officer. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or who may have other relevant information. All employees must cooperate fully during the investigation and provide all relevant information concerning the investigation. The alleged offender should be contacted during the investigation. Confidentiality will be maintained throughout the investigation process to the extent possible and to the extent consistent with our duty to prevent and correct harassment, discrimination and retaliation.
 - iv) An EEO Committee, whose purpose will be to review the findings and/or recommendations of the EEO Officer, will be appointed by the Deputy Secretary of Public Safety Services, and shall be comprised of three members. Once the EEO officer or investigating officer concludes the investigation, he/she will issue a fact finding report, a preliminary finding, or recommendation concerning the complaint, which will be provided to the EEO Committee within a reasonable time after the conclusion of the investigation, but not to exceed sixty (60) days, unless there are exigent circumstances for the delay. The length of time spent by the EEO Officer or Investigating Officer in investigating the complaint will depend on the severity of the allegations, the number of persons to be interviewed, and general availability of witnesses. Once the EEO Committee has received and reviewed the EEO Officer's report, findings or recommendation, the Committee will determine whether there is reason to believe discrimination, harassment, or retaliation has occurred and what, if any, action or remedy should be taken. The EEO Committee will then submit a report to the Deputy Secretary who in turn will decide whether to affirm, reject, or modify the EEO Committee's recommended actions. Should a decision be made that the complaint does not warrant a finding of discrimination, the complaining employee may file a charge with either the EEOC or LCHR. (This option does not preclude, however, the requisite time requirements set by each agency).

8. REPORTING TO AN AGENCY

- i) If you believe you have been discriminated against or harassed and want to file a complaint, you have the right to file a complaint directly with either:
 - a) Louisiana Commission on Human Rights (LCHR) Post Office Box 94094 1001 North Twenty-Third Street, Administrative Bldg., Rm. 262 Baton Rouge, Louisiana 70804 (225) 342-6969 or
 - b) Equal Employment Opportunity Commission (EEOC) New Orleans Field Office 1555 Poydras Street, Suite 1900 New Orleans, Louisiana 70112 (504) 595-2826.
- ii) A charge of discrimination in employment must be filed with the LCHR within 180 days or with the EEOC within 300 days of the alleged discriminatory act. Filing a complaint through the internal procedure or with the State Police Commission/Department of Civil Service does not extend the deadline for the internal procedure for filing a separate charge with the LCHR or the EEOC. Employees wishing to file a complaint should contact those officers directly within the requisite time limits.

9. SUPERVISOR'S RESPONSIBILITIES

- i) Any supervisor who receives a complaint of harassment, discrimination or retaliation shall:
 - a) Refer the complainant to the mandatory reporting procedures identified in [section 7 \(Reporting Procedures\)](#) of this order.
 - b) Instruct the complainant to continue to work.
 - c) Take steps to ensure that the complainant is not subjected to further harassment, discrimination or retaliation. The complainant must not be required to do anything other than report the alleged violation, cooperate fully in the investigation and provide all relevant information concerning the investigation.
 - d) Advise the complainant that if future violations occur, he or she is to directly inform the violator that the conduct is unwelcome and must stop, and further, to report the new violations in accordance with [section 7 \(Reporting Procedures\)](#) of this order.
 - e) Document the complaint.
 - f) If applicable, advise the violator to remove any offensive material.
 - g) Notify the appropriate Commander of the complaint and forward a copy of the documentation to the EEO Officer.