

Sexual Harassment Policy

This policy shall apply to all employees of the State Plumbing Board of Louisiana, including part-time employees and Board members, or non-employees who have a business relationship with the agency.

The State Plumbing Board of Louisiana is committed to providing a workplace that is free from sexual harassment. Conduct prohibited by this policy 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. Engagement by any employee in any form of sexual harassment is strictly prohibited and shall not be tolerated.

Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws. For purposes of this policy, sexual harassment refers to any unwelcome or unwanted sexual advances which is directed at an individual when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for any employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, or
4. The behavior persists despite objection by the person to whom the conduct is directed.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. The harasser can be a supervisor, coworker, other state employee, or a non-employee who has a business relationship with the agency. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; repeatedly cornering, leaning in, or standing too close to or brushing up against a person; repeatedly asking a person to socialize during off-duty work hours when the person has said no or expressed they are not interested; giving sexual suggestive gifts; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, demonstrative, or electronic conduct of a sexual nature. Sexual statements can be made in person, in writing, or electronically, such as email, text or instant messaging, social media, blogs, etc.

Note: Sexual harassment does not require the intent to offend. Inappropriate conduct meant as a joke, prank, or even as a compliment can lead or contribute to harassment.

Agency Policy

When an allegation of sexual harassment has been received, or there is reason to believe sexual harassment is occurring, immediate and appropriate steps will be taken to ensure that the matter is promptly investigated and addressed. The Agency is committed to taking appropriate action, even if the individual does not wish to file a formal complaint.

The Sexual Harassment Policy will be posted on the Agency's website and employees will be informed if changes are made to the policy.

Responsibilities

- ❖ Supervisors shall ensure that employees are aware that sexual harassment is strictly prohibited.
- ❖ Supervisors who observe incidents of sexual harassment **must** take immediate corrective action without waiting for a victim complaint.
- ❖ Supervisors who receive a complaint of sexual harassment **must** immediately report the complaint to the Executive Director or Human Resources.
- ❖ Failure to report incidents will be considered a violation of this policy and may result in disciplinary action.
- ❖ Any employee that knows or reasonably believes that sexual harassment is occurring or has occurred whether to the employee directly or to someone else, is obligated to inform their supervisor or Executive Director or Human Resources **immediately**.
- ❖ Employees are responsible for cooperating fully with any investigation of a complaint of sexual harassment. Information related to complaints and investigations will remain confidential to the fullest extent possible. Employees cooperating in an investigation shall maintain the confidentiality of the investigation to protect the reputations of all involved.
- ❖ Confidentiality is expected, but total confidentiality may not be guaranteed when investigating a sexual harassment complaint. Management may be required to inform those on a need-to-know basis of the details surrounding the complaint. Although confidentiality is expected, the witnesses and others questioned may not maintain total confidentiality. This should not deter filing complaints of sexual harassment. Confidentiality violations will be handled on a case-by-case basis.

Charges of sexual harassment are serious charges, and employees should report incidents when they occur. However, due to the seriousness of these charges and the potential damage that could be done to those who are charged, employees shall refrain from making casual, misleading or false charges of such behavior. False and/or malicious complaints of sexual harassment may be subject to disciplinary action, up to and including termination.

Agency Procedure

- A. If you feel that you have been subjected to sexual harassment or witnessed sexual harassment, you should do the following:
 - a. Continue to report to work
 - b. Inform the person who has offended you that their actions are inappropriate and should be stopped, if you feel secure in doing so;
 - c. Document the occurrence(s) with very specific facts, including names, dates, times, places, witnesses, etc.; and
 - d. Report the action to the Officer Manager or Human Resources **immediately**.
- B. If the harasser is the Officer Manager, skip the chain of command and report the complaint to the Executive Director **immediately**.
- C. If the Executive Director or Human Resources is the harasser, report the incident directly to the Civil Service Human Resources Director **immediately**.
- D. If you have had a sexual harassment complaint reported to you, inform the Office Manager, Executive or Human Resources **immediately**.
- E. Upon receiving the complaint, the Executive Director or Human Resources will determine the appropriate investigative procedures and will notify the employee that the complaint has been received.

- F. All actions taken in the investigative process shall be documented and kept in the investigative file.
- G. Once the investigation has concluded, the Executive Director or Human Resources will decide on a course of action. Discipline will be appropriate to the circumstances.
- H. After the complaint has been resolved, Human Resources will periodically follow up with the employee(s) who filed the complaint to ensure that there is no continued or new sexual harassment occurring.
- I. If the harassment continues after the initial complaint has been resolved, employees shall contact Human Resources, the Office Manager, or the Executive Director **immediately**.

To initiate a claim under federal or state law, employees should refer to the Equal Employment Opportunity Commission and the Louisiana Commission on Human Rights:

EEOC – New Orleans Field Office

Hale Boggs Federal Building
500 Poydras Street, Suite 809
New Orleans, LA 70130

Phone: 1-800-669-4000
Fax: 504-595-2884
TTY: 504-595-2958
ASL Video Phone: 844-234-5122

Note: A charge must be filed with EEOC within 180 days from the date of the alleged violation, in order to protect the charging party's rights. This 180-day filing deadline may be extended to 300 days if the charge also is covered by a state or local anti-discrimination law.

Louisiana Commission on Human Rights

Telephone: (225)342-6969

By Mail:
Office of the Governor
Louisiana Commission on Human Rights
P.O. Box 94094
Baton Rouge, LA 70804

In Person:
1001 N. 23rd Street
Baton Rouge, LA 70802

Online: <https://gov.louisiana.gov/page/antidiscrimination-laws-enforced-by-lchr>

Retaliation

Retaliation against an individual for reporting sexual harassment or for participating in an investigation of a claim of sexual harassment is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Mandatory Training

- ❖ All employees, including part-time employees and members of the Board are required to complete the online course in LEO "Preventing Sexual Harassment" by December 31st each year.
- ❖ Anyone who supervises employees or any employee who may receive or investigate a sexual harassment complaint is required to receive additional education and training each year by December 31st. The additional education and training may be received either in person or through an online course.
- ❖ The Human Resources Department shall maintain records of compliance for each employee of the agency.
- ❖ Failure to complete the mandatory training requirements may result in disciplinary action, up to and including termination.

Reporting

An annual report will be compiled and submitted to the Division of Administration by February 1st of each year containing information from the previous calendar year regarding compliance with the requirements of this policy. The report shall include:

- ❖ The number and percentage of employees who have completed the mandatory training requirements
- ❖ The number of sexual harassment complaints received
- ❖ The number of complaints which resulted in a finding that sexual harassment occurred
- ❖ The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action
- ❖ The amount of time it took to resolve each complaint

These reports shall be public record and available to the public in accordance with the Public Records Law.

X



Ashley Jones Tullier
Executive Director