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COMMISSIONER OF ADMINISTRATION

# State of Louisiana

Division of Administration  
Office of Human Resources

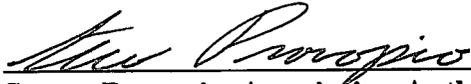
## DIVISION OF ADMINISTRATION

### PERSONNEL POLICY NO. 11

**EFFECTIVE DATE:** October 1, 1988

**REVISED DATE:** February 7, 1994; July 27, 1994; February 1, 1999;  
July 13, 2012

**SUBJECT:** Prohibited Harassment, Discrimination, and Retaliation

**AUTHORIZATION:**   
Steven Procopio, Appointing Authority

#### I. POLICY:

The Division of Administration (DOA) strives to maintain a workplace that fosters mutual employee respect and promotes harmonious and productive working relationships.

The DOA prohibits discrimination and/or harassment that is based on sex, race, or religion, or which is related to a person's gender, national origin, age, disability, genetic information, and/or any other basis protected by federal or state law. The DOA also prohibits retaliation against an individual who reports discrimination or harassment, or who participates in an investigation into discrimination or harassment. The DOA makes reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship, health, or safety concern.

All employees of the DOA are expected to act responsibly to establish a pleasant and friendly work environment. If an employee feels he has been subjected to any form of harassment, unlawful discrimination, and/or retaliation, **the employee should report that conduct to his immediate supervisor, another member of management, the Office of Human Resources, or the Appointing Authority within three calendar days of the offense.** Employees are not required to approach the person who is harassing, discriminating, and/or retaliating against them, and they may bypass any offending member of management. The person to whom the harassment, discrimination, or retaliation is reported will take the necessary steps to initiate an investigation.

The DOA will conduct thorough investigations in as confidential a manner as possible. Interviews, allegations, statements, and identities will be kept confidential to the extent possible and allowed by law. However, the DOA will not allow the goal of confidentiality to be a deterrent to an effective investigation. Appropriate corrective action, up to and including termination, will be taken promptly against any employee engaging in harassment, discrimination, and/or retaliation. The corrective action issued will be proportional to the severity of the conduct. The alleged harasser's employment history and any similar complaints of prior harassment, unlawful discrimination, and/or retaliation will be taken into consideration.

All employees are required to cooperate in any investigation.

## **II. PURPOSE:**

The Division of Administration is committed to maintaining a work environment that is free of harassment, unlawful discrimination, or retaliation. Those behaviors are detrimental to a productive work environment and may violate federal and state law.

## **III. APPLICABILITY:**

This policy is applicable to all employees of the Division of Administration in all sections, both general and ancillary appropriations. The intent of this policy extends to anyone with whom our employees do business which includes vendors, contractors, visitors, etc.

## **IV. AUTHORITY:**

Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Act of 1972, as amended by the Pregnancy Disability Act of 1978.

## **V. DEFINITIONS:**

**Harassment** - Unwelcome sexual advances, requests for sexual favors, or any other type of verbal, visual, or physical conduct that results in an individual feeling compelled to submit to the misconduct to maintain their position, to receive appropriate pay, or to benefit from certain employment decisions. This conduct may include, but is not limited to, behavior that interferes with an employee's work or creates an intimidating, hostile, or offensive work environment. Suggestive or insulting noises, facial expressions, vulgar language, nicknames, slurs, derogatory comments, cartoons, jokes, written materials, and offensive gestures or touching, can create an intimidating, hostile, or offensive work environment.

**Discrimination** - Inequitable treatment of an individual based on any non-merit factor related to the individual's race, sex, religion, color, gender, national origin, age, disability, or genetic information.

**Retaliation** - Any adverse action taken against an individual as a result of a complaint or for participating in an investigation of discrimination and/or harassment. Retaliation includes, but is not limited to, overt or covert acts of reprisal, interference, restraints, intimidation, penalty, discrimination, or harassment against an individual or group exercising rights under this policy.

## VI. COMPLAINT PROCEDURE:

Every employee is responsible for reporting unacceptable behavior or environment which may violate this policy. This includes any individual who (or group which) believes that he has been the target of and/or has observed incidents of harassment, discrimination, and/or retaliation.

The report may be made verbally or in writing and should include the name(s) of the offender(s), when and where the offense occurred, what behavior or situation was offensive, what the complainant did or said in reaction, the names of any witnesses, and any other information which may be related to the offense.

It is a violation of this policy for an individual to make an intentionally false and/or malicious accusation of harassment, discrimination, and/or retaliation. Any individual who is found to have made an intentionally false and/or malicious accusation will be subject to disciplinary action, up to and including termination. This is not intended to discourage complaints and/or reports when there is sincere belief that harassment, discrimination, and/or retaliation has occurred.

## VII. RESPONSIBILITY:

- A. Deputy/Assistant Commissioners, Deputy Undersecretary, and Other Executive Level Administrators are responsible for:

Personally complying with all aspects of this policy.

Holding the section heads under their supervision accountable for adhering to all aspects of this policy.

Reporting all allegations or discoveries of harassment, unlawful discrimination, and/or retaliation to the Commissioner, the Appointing Authority, the Human Resources Director, the Assistant Human Resources Director, or the Employee Relations Supervisor in the Office of Human Resources.

Treating harassment, unlawful discrimination, and/or retaliation matters **with seriousness and confidentiality** and sharing information regarding allegations, investigations, resolutions, etc., on a "need to know" basis. Participating in and ensuring the participation of all employees under their supervision (directly and indirectly) in all programs provided to educate employees relative to the prevention of harassment, unlawful discrimination, and/or retaliation.

Evaluating the work environment on a continuous basis through:

- Tours of the workplace with a view toward inspection for inappropriate calendars, graffiti, desk toys, etc.;
- Listening for inappropriate language, jokes, remarks, etc., in the everyday conversation of employees; and
- Discussing harassment and unlawful discrimination in regular management meetings, and immediately dealing with any problems encountered in the appropriate manner.

**B. Section Heads and Executive Level Administrators who directly supervise employees are responsible for:**

Personally complying with all aspects of this policy.

Holding employees under their supervision accountable for adhering to all aspects of this policy.

Immediately reporting all allegations or discoveries of harassment, unlawful discrimination, and/or retaliation to their supervisor, the Appointing Authority, the Human Resources Director, the Assistant Human Resources Director, or the Employee Relations Supervisor in the Office of Human Resources.

Treating harassment, discrimination, and/or retaliation matters **with seriousness and confidentiality** and sharing information regarding allegations, investigations, resolutions, etc., on a "need to know" basis. Participating in and ensuring the participation of all employees under his supervision (directly and indirectly) in all programs provided to educate employees relative to the prevention of harassment and unlawful discrimination.

Evaluating the work environment on a continuous basis through:

- Tours of the workplace with a view toward inspection for inappropriate calendars, graffiti, desk toys, etc.;

- Listening for inappropriate language, jokes, remarks, etc., in the everyday conversation of employees; and
- Discussing harassment, unlawful discrimination, and/or retaliation in regular management meetings, and immediately dealing with any problems encountered in the appropriate manner.

Ensuring that each employee under his supervision, current **and new**:

- Is made aware of this policy and its contents as well as any forthcoming revisions;
- Has an opportunity to ask questions regarding the policy;
- Is informed that he must abide by the terms of the policy as a condition of employment; and
- Is informed of the consequences of violation of this policy.

Providing for formal review of this policy with **all** employees on an annual basis and providing a report of this review to the appointing authority. The report should include the date of the review and the names of the employees participating.

Ensuring that this policy is displayed and accessible to all employees in each and every location where the employees are housed.

Maintaining appropriate records in a confidential manner to the extent provided by the law.

Participating in any investigation of a harassment, unlawful discrimination and/or retaliation allegation when requested and facilitating the participation of section employees when requested.

**C. Managers/Supervisors are responsible for:**

Personally complying with all aspects of this policy.

Reporting all allegations or discoveries of harassment, unlawful discrimination and/or retaliation to the section head, the Appointing Authority, the Human Resources Director, the Assistant Human Resources Director, or the Employee Relations Supervisor in the Office of Human Resources.

Treating harassment, unlawful discrimination, and/or retaliation matters with seriousness and confidentiality and sharing information regarding allegations, investigations, resolutions, etc., on a "need to know" basis.

Complying with this policy in any manner instructed by the section head.

**D. Employees are responsible for:**

Personally complying with all aspects of this policy.

Reporting any harassment, unlawful discrimination, and/or retaliation which is occurring in any workplace of the Division in accordance with the procedure outlined above.

Treating harassment, discrimination, and/or retaliation matters with seriousness and confidentiality and sharing information regarding allegations, investigations, resolutions, etc., on a "need to know" basis.

Recognizing and exercising their right to raise the issue of harassment, unlawful discrimination, and/or retaliation and making such reports within three days of the incident.

Documenting in writing incidents which are perceived to be offensive or harassing or retaliatory.

Directly and clearly informing anyone, employee, client, visitor, etc., when his behavior is offensive.

**E. Office of Human Resources is responsible for:**

Immediately notifying the Appointing Authority of the situation, upon becoming aware of an allegation of harassment, unlawful discrimination and/or retaliation.

At the direction of the Appointing Authority, investigating or assigning a staff member to investigate the matter thoroughly.

Reporting findings and recommendations to the Appointing Authority.

Treating harassment, discrimination, and/or retaliation matters with seriousness and confidentiality and sharing information regarding allegations, investigations, resolutions, etc., on a "need to know" basis.

**VIII. VIOLATIONS:**

Employees found to have violated this policy may be subject to disciplinary action, up to and including termination.

**IX. QUESTIONS:**

Questions regarding this policy should be directed to the Human Resources Director, Assistant Human Resources Director, or the Employee Relations Supervisor in the Office of Human Resources.

**X. EXCEPTIONS:**

There will be no exceptions to this policy.