

## County of Santa Barbara

### On-Line Policies and Procedures Manual

#### Civil and Respectful Workplace Policy

##### I. Commitment to a Civil and Respectful (Non-Abusive) Workplace

Assembly Bill 2053 requires employers to broaden EEO training to include prevention of abusive conduct. By implementation of this policy, the County is making clear our intent to review and resolve issues of civil and disrespectful and/or abusive conduct in a similar manner to EEO issues. The County of Santa Barbara is committed to creating and maintaining a positive and productive work environment for its employees, customers, and clients. Ensuring a civil and respectful workplace enriches the County and allows us to execute our mission and values through a diverse workforce that provides valuable services to the community. Therefore, the County of Santa Barbara embraces the concept of a Civil and Respectful Workplace as a core value, as is consistent with its Anti-Harassment Policy, and is committed to promoting an environment where employees respect each other in an atmosphere of collaboration, openness, safety, and equality. Failure to abide by this policy may result in disciplinary action, up to and including termination of employment as provided for by County policies and practices, including the County's Anti-Harassment Policy and Civil Service Rule 12.

##### II. Examples of Uncivil and Disrespectful and/or Abusive Behavior

The County of Santa Barbara expects its employees to be mindful of their behavior and its potential impacts on others at all times. Accordingly, consistent with this and other relevant County policies, all employees at the County of Santa Barbara are expected to refrain from engaging in uncivil and disrespectful and/or abusive behavior. Uncivil and disrespectful behavior may or may not be intentional. Unintentionally uncivil and disrespectful behavior may still violate this policy, notwithstanding the legal definition of "abusive conduct" in AB 2053 provided in the following paragraph.

A.B. 2053 defines "Abusive conduct" as "conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious."

Examples of uncivil and disrespectful and/or abusive behavior include, but are not limited to:

- Exhibiting aggressive behaviors such as shouting, abusive language, threats of violence, or other non-verbal expressions of aggression (e.g., pounding a desk);
- Talking down to others, using degrading remarks or a condescending tone of voice;

- Embarrassing, degrading, and/or humiliating employees publicly in front of others;
- Social exclusion or ostracism in the workplace, e.g. ignoring others, and/or giving the “silent treatment” on the job;
- Undermining another’s work;
- Intentionally withholding necessary information from an employee, or giving them wrong information, thereby impeding the ability to do their jobs;
- Use of profanity, demeaning jokes, rumors or gossip, or harassment;
- Encouraging others to disregard a supervisor’s instructions;
- Launching an overt or underhanded campaign to “oust” a person from their job or the organization;
- Using this policy and procedure to make a knowingly false complaint or complaints;
- Making threats or using intimidating tactics; and
- Engaging in any behavior a reasonable person would find demeaning, humiliating or bullying.

These types of behaviors are well recognized as having damaging consequences for their recipients, the observers of the behaviors, and the organization as a whole and are therefore not tolerated. Failure to abide by this policy may result in disciplinary action, up to and including termination of employment as provided for by County policies and practices, including the County’s Anti-Harassment Policy and Civil Service Rule 12.

### **III. Context Matters**

Context is important in understanding the difference between respectful behavior and disrespectful behavior. Individuals may experience stress or discomfort in the workplace that is not related to disrespectful behavior. For example, disrespectful behavior does not include any of the following:

- The normal exercise of supervisory or managerial responsibilities, including, but not limited to, performance reviews, work direction, performance management, and disciplinary action provided they are conducted in a respectful, professional manner; and
- Disagreements, misunderstandings, miscommunication or conflict situations where the behavior remains professional and respectful.

#### **IV. Management Responsibility**

Appointing authorities, including Department Heads, the Human Resources Director, the CEO, Managers, and others in positions of authority, have a particular responsibility to ensure that civil, respectful behaviors are being exhibited at all times and that complaints are addressed promptly, thoroughly and fairly. Management is expected to:

- Model good examples by treating all with courtesy and respect;
- Promote awareness of this policy and complaint procedures;
- Be vigilant for signs of inappropriate behaviors at work through observation and information seeking, and take action to resolve the behavior before it escalates;
- Deal sensitively with employees involved in a complaint, whether as complainant or the alleged violator;
- Explain the procedures to be followed if a complaint of inappropriate behavior at work is made;
- Ensure that an employee making a complaint is not retaliated against for doing so, and seek immediate resolution of such behavior if it occurs; and
- Monitor and follow up with the situation after a complaint is made so as to prevent recurrence of the disrespectful behavior.

#### **V. Employee Responsibility**

Employees have a responsibility to contribute to achieving a work environment which does not tolerate uncivil and disrespectful and/or abusive behavior. Employees are in a good position to know what is happening with peers and co-workers. To that end, employees are encouraged to promptly report their concerns in accordance with this policy.

#### **VI. Complaint Review and Investigation Procedures**

Complaint review and investigatory processes related to this policy will be conducted in a timely, fair, and objective manner in accordance with the County's Anti-Harassment policy. All employees, volunteers, interns, vendors and contractors shall cooperate with any such complaint review and investigation process.

Individuals are encouraged, though not required, to informally resolve concerns whenever possible.

##### **A. Informal Resolution**

If possible, the employee or third party who feels a violation has occurred may have a conversation with the other individual(s) involved.

Employees and third parties are encouraged to speak with their Supervisor, Manager, Appointing Authority, Human Resources Manager, or the County Equal Employment Opportunity (EEO) Manager for assistance or guidance on how to resolve the situation.

If a direct approach is not possible or does not resolve the concern, employees or third parties are encouraged to meet with their Supervisor or Manager to discuss next steps.

If the concern is about the Supervisor or Manager, parties are encouraged to contact their Human Resources Manager or the County EEO Manager to determine options for resolution.

## **B. Formal Complaints**

Any employee or third party may choose to initiate a formal complaint under this policy. Complaints may be made or submitted to any of the following individuals:

- Your Supervisor or Manager;
- A Human Resources Manager;
- Your Department Head;
- If the complaint is about Department Head conduct, to the CEO or her designee, and/or to the Human Resources Director or her designee; and/or
- The County EEO Manager.

Any Supervisor, Manager, or Department Head who receives a report of, or who becomes aware of, conduct prohibited by this policy shall promptly report it to the County EEO Manager.

Complaints may be made orally, or in writing, free of any requirements as to form. They should be detailed enough to identify the behaviors of concern and the identity of the person or persons against whom the complaint is being made.

### **1. Overview of Complaint Investigation Process**

Once an employee or third party has raised a complaint, it will be evaluated to determine whether it is appropriate for an investigation. If it is, an investigation plan will be developed which will include meeting with the affected employee(s), the alleged violating party, and any other relevant individuals to collect facts and develop information on the complaint and to review the circumstances under which the violation is alleged to have taken place. The standard of review will be a preponderance of the evidence, or more likely than not, standard. This process is designed to ensure a timely, fair and thorough investigation.

At the conclusion of the investigation, the outcome of the investigation will be shared with the affected employee(s), the alleged violating party and the associated Department. If the complaint is found supported, the Investigator will work with the Department to ensure that

there is appropriate follow-up action(s). Failure to abide by this policy may result in disciplinary action, up to and including termination of employment as provided for by County policies and practices, including the County's Anti-Harassment Policy and Civil Service Rule 12. In certain circumstances, the matter may be referred to Employee Relations for investigation and action. Because employees are entitled to the privacy of their personnel information, the affected employee(s) and/or third parties may not learn the specific details of any corrective action(s) that may occur as a result of an EEO or misconduct investigation.

## **2. Prohibition Against Retaliation**

Retaliation is prohibited against any employee or third party who initiates a complaint, reports an incident that may violate this policy, participates in an investigation related to a complaint, or is associated or perceived to be associated with a person who initiates a complaint or participates in the investigation of a complaint under this policy.

Retaliation is generally defined as any negative or adverse action taken against a current or former employee that takes the form of punishment, and creates a hostile, threatening or uncomfortable environment, as a result of their reported complaint.

Anyone who feels that they may have been retaliated against should immediately report their concerns to their Human Resources Manager and/or the County EEO Manager.

## **VII. Assistance with Questions or Concerns About This Policy**

If you have any questions about your rights and/or the complaint process, please contact the County EEO Manager by phone at 805.568.2807 or by email at [EEO-Mgr@co.santa-barbara.ca.us](mailto:EEO-Mgr@co.santa-barbara.ca.us). You may also visit the EEO Office website at [www.countyofsb.org/eoo](http://www.countyofsb.org/eoo).