

SOCORRO COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION № 2012-63  
WORKPLACE HARASSMENT POLICY

PREAMBLE

**WHEREAS**, NMSA 1978, Section 3-18-1 provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1, have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

**WHEREAS**, NMSA 1978, Section 4-37-1 *et seq.* provides that counties may adopt ordinances and resolutions, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

**WHEREAS**, NMSA 1978, Section 3-13-4 allows municipalities and counties to establish a personnel merit system for the hiring, promotion, discharge and general regulation of municipal and county employees.

**NOW THEREFORE, BE IT RESOLVED** that the Board of County Commissioners adopts the following Workplace Harassment Policy and that any rule or resolution that is inconstant with this Resolution is hereby repealed:

**SECTION 1. PURPOSE**

1.1 This Workplace Harassment policy is intended to promote a safe and harmonious work environment free from all forms of unlawful harassment. All employees are responsible for knowing and following this policy.

**SECTION 2. POLICY**

2.1 Socorro County is committed to taking reasonable steps to provide a professional working environment free from all forms of harassment, whether based on sex, sexual orientation, gender identity, race, color, religion, national origin, age, disability or any other protected classification. Although this policy focuses on sexual harassment, it applies equally to all forms of harassment based on a protected classification and the procedures described in this policy shall be followed for all such harassment. This policy also applies when a County employee is subject to harassment in the workplace by someone outside the County.

2.2 All County employees and members of the public have a right to be free from harassment from employees on official duty for the County. County employees are forbidden from engaging in harassing conduct in the workplace. Employees are also

forbidden from engaging in conduct outside of work that creates a hostile work environment at work. Any act of harassment based upon a protected classification is a violation of county policy.

### **SECTION 3. DEFINITION OF SEXUAL HARASSMENT**

3.1 According to the EEOC, sexual harassment is any unwelcome sexually oriented behavior, demand, comment or physical contact initiated by any individual at the work place when:

- a) Submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions/opportunities affecting such individual, or
- 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.

### **SECTION 4. EXAMPLES OF SEXUAL HARASSMENT**

4.1 Sexual harassment can occur in a variety of forms. Harassing conduct based on gender often is sexual in nature but sometimes is not. This policy forbids harassment based on gender regardless of whether the offensive conduct is sexual in nature. Sexual harassment is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events. The following are some common examples of behaviors or situations that constitute sexual harassment:

- a) Oral or written sexual statements, comments, jokes, questions or innuendoes;
- b) Display of sexually oriented visual items such as calendars, cartoons, photos or posters;
- c) Assault, molestation or unwelcome physical contact such as kissing, touching, patting, pinching, brushing against or hugging;
- d) Requests, demands or subtle pressure for sexual activity;
- e) Threats or retaliation against an employee who refuses unwelcome sexual attention or sexual behavior;
- f) Overt promises or practices that imply preferential treatment for any employee in exchange for dates, sexual attention or sexual behavior;
- g) Sexual insults and suggestions including, but not limited to, lewd remarks, obscene gestures and sexually suggestive materials;
- h) Any conduct that ridicules, or is malicious or abusive to, an individual because of the individual's gender;
- i) Pressuring an employee to go out on a date;
- j) Consensual "romantic" or sexual relationships between a supervisor/manager and an employee; or
- k) Asking employee questions of a sexual nature.

**SECTION 5. RESPONSIBILITY TO REPORT HARASSMENT**

5.1 Any employee, who believes they are a victim of harassment because of their protected classification, should first confront the person or persons responsible for the offensive behavior and indicate that it is unwelcome and should be stopped. The employee also has an obligation to promptly report the matter to the Human Resources Director or the County Manager. These are the individuals who are authorized by this policy to receive and act upon complaints of harassment or discrimination on behalf of the County. All employees who observe, or become aware of harassment, also have an obligation to bring the matter to the attention of the Human Resources Director or County Manager, even if they are not the victim of harassment.

**SECTION 6. INVESTIGATION OF COMPLAINTS**

6.2 It is the County's intent to provide a fair process for investigating and resolving complaints of harassment.

6.3 The County will investigate all reports of alleged harassment. Information associated with the investigation will be kept confidential, to the extent possible, and consistent with the County's obligation to investigate promptly and thoroughly. All employees are required to cooperate with any investigation by the County in response to an allegation of harassment. Refusal to cooperate in an investigation may result in disciplinary action, up to and including termination.

**SECTION 7. APPEAL**

7.1 Any affected employee who is dissatisfied with the conclusion or results of an investigation, or with any corrective measures taken, may appeal the decision to the County Manager. Any such appeal should be in writing and must include the nature of the employee's dissatisfaction with the conclusions or results of the investigation. Any qualifying disciplinary appeal must follow the grievance process.

**SECTION 8. PROTECTION AGAINST RETALIATION**

8.1 The County will not retaliate against an individual who reports sexual harassment in good faith and such retaliation in and of itself is grounds for disciplinary action, up to and including termination without prior progressive discipline. Retaliation is a serious violation of this policy and should be reported immediately.

**SECTION 9. DISCIPLINE**

9.1 Unlawful harassment, including sexual harassment, of employees, or members of the public, may be cause for dismissal. If the County determines that harassment has occurred or that counseling, training, disciplinary measures or termination are appropriate, it will take appropriate measures to correct the problem following County disciplinary procedures. Serious cases of harassment constitute cause for termination without prior progressive discipline.

9.2 Employees who knowingly make false allegations of sexual harassment may be subject to disciplinary action.

**SECTION 10. MANDATORY TRAINING**

Periodic mandatory training for all employees, including supervisors, managers and elected officials, will be provided by the County to increase knowledge of the workplace harassment policy, state and federal laws and the process for enforcing the policy.


**SECTION 11. VENDORS AND CUSTOMERS**


Employees should report sexual harassment from vendors, customers, other county employees and the general public utilizing this Policy.

**APPROVED, ADOPTED, AND PASSED** on this 10<sup>th</sup> day of July, 2012.


**BOARD OF COUNTY COMMISSIONERS**

Absent  
DANIEL P. MONETTE, CHAIR  
DISTRICT IV

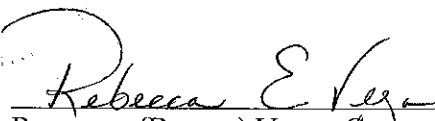
  
PAULINE JARAMILLO, VICE-CHAIR  
DISTRICT I

  
PHILLIP ANAYA, COMMISSIONER  
DISTRICT III

Absent  
RUMALDO J. GRIEGO, COMMISSIONER  
DISTRICT II

  
JUAN JOSE GUTIERREZ, COMMISSIONER  
DISTRICT V

ATTEST BY:

  
REBECCA (BECKY) VEGA, COUNTY CLERK