

**ADOPTED - SEPTEMBER 25, 2018
AGENDA ITEM NO. 14**

Introduced by the County Services and Finance Committees of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

RESOLUTION TO ADOPT A REVISED EQUAL OPPORTUNITY EMPLOYMENT PLAN

RESOLUTION # 18 - 369

WHEREAS, Ingham County has been committed and maintains its commitment to equal opportunity and non-discrimination for all persons; and

WHEREAS, this commitment is reflected in an Equal Opportunity Plan which was adopted several years ago by the Board of Commissioners and voluntarily adopted by countywide elected officials and courts; and

WHEREAS, the current Equal Opportunity Employment Plan was last reviewed in total in 1991 and is in need of revision; and

WHEREAS, the Equal Opportunity Committee has devoted much time and effort in developing a proposed updated and revised Equal Opportunity Plan; and

WHEREAS, the revised plan re-emphasizes the County Board's goal to recruit and maintain a diverse workforce based on the general characteristics of its population in an effort to provide the highest quality of service to its constituents, as well as to provide equal opportunity in its employment on the basis of merit and fitness, regardless of race, color, religion, sex, sexual orientation, gender identity or gender expression, national origin, disability, height, weight, marital status, age or political affiliation (except where age, sex or lack of disability constitutes a bona fide occupational qualification); and

WHEREAS, it also emphasizes that the County will pursue an aggressive recruitment and personnel development program in order to maintain a highly qualified and diverse work force; and

WHEREAS, the Board of Commissioners urges the support of this plan by all offices and agencies of the county.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners hereby adopts the attached revised Equal Opportunity Employment Plan which rescinds all prior Equal Opportunity Employment Plans adopted by the Board of Commissioners.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners directs that all county departments and agencies under the jurisdiction of the Board of Commissioners shall be bound by this plan and shall work to further the achievement of the stated goals.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners requests and encourages all county wide elected officials and Chief Judges to voluntarily adopt this plan and to work to further the achievement of the stated goals, as they have done with prior plans.

BE IT FURTHER RESOLVED, that each county wide elected official or Chief Judge who does not voluntarily adopt this plan is requested to provide the County Board of Commissioners with their written policies regarding Equal Opportunity and Non-discrimination, including sexual harassment, in order to promote equal opportunity and non-discrimination in the county workforce and to minimize potential legal and financial penalties to their offices, the County Board of Commissioners, and the taxpayers of Ingham County.

BE IT FURTHER RESOLVED, that the Board of Commissioners encourages all other entities within the county government to have equal opportunity and non-discrimination policies reflective of the goals set forth in this plan.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners commends the Equal Opportunity Committee for its time and effort devoted to revising and updating this Plan.

BE IT FURTHER RESOLVED, that the County Clerk is directed to send a copy of this resolution and Equal Opportunity Plan to each department head, countywide elected official, Chief Judge, and other agency within the county government.

COUNTY SERVICES: Yeas: Nolan, Sebolt, Grebner, Celentino, Hope, Maiville

Nays: None **Absent:** Naeyaert **Approved 09/18/2018**

FINANCE: Yeas: Grebner, Anthony, Crenshaw, Tennis, Koenig, Morgan, Schafer

Nays: None **Absent:** None **Approved 09/19/2018**

INGHAM COUNTY EQUAL OPPORTUNITY EMPLOYMENT PLAN
2018

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**INGHAM COUNTY
EQUAL OPPORTUNITY EMPLOYMENT PLAN
PREAMBLE AND PURPOSE**

It is the goal of Ingham County (hereinafter the "County") to recruit and maintain a diverse workforce in an effort to provide the highest quality of service to its constituents, as well as to provide equal opportunity in its employment on the basis of merit and fitness, regardless of race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, disability, height, weight, marital status, age, genetic information, or political affiliation, except where age, sex, or lack of disability constitutes a bona fide occupational qualification. The County shall pursue an aggressive recruitment and personnel development program in order to maintain a highly qualified and diverse work force.

I. THE INGHAM COUNTY EQUAL OPPORTUNITY EMPLOYMENT PLAN

- A. Based on the above-stated goal, the County, by and through the Ingham County Board of Commissioners (hereinafter the "Board of Commissioners") hereby adopts this Ingham County Equal Opportunity Employment Plan (hereinafter the "EOE Plan" or this "Plan"). This Plan is an integral part of the County's total human resources management program. Under this Plan, the County shall pursue a program of recruitment, hiring, and promotions of highly qualified employees and applicants, and may consider training projects based on available resources, while complying with the terms of this Plan.
- B. This Plan applies to all non-union employees of the County. This Plan also applies to employees in recognized bargaining units that are represented by certified collective bargaining unit representatives where no conflict exists between a provision of this Plan and an express provision of an applicable collective bargaining unit agreement. Further, this Plan is not applicable to any offices of Elected Officials unless the individual Elected Official adopts, in whole or in part, this Plan. However, the Board of Commissioners urges all Elected Officials to adopt this Plan in its entirety.
- C. This Plan assigns responsibilities and duties, and provides for the presentation of reports and annual evaluations. This Plan requires the County to ensure that all human resources related decisions are based upon an individual's ability to meet the requirements of the job and that the County shall monitor and eliminate, if possible, any barriers that interfere with equal opportunity in all segments of the Human Resources program.
- D. This Plan precludes quotas and reductions in job related qualifications to increase employment of persons based on race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, disability, height, weight, marital status, age, genetic information, or political affiliation. The goals of this Plan should not be construed as quotas which must be met or ceilings that will prevent the hiring or promotion of the most qualified employees.

- E. The County shall hire and promote the most qualified individuals regardless of race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, disability, height, weight, marital status, age, genetic information, or political affiliation, except where age, sex, or lack of disability constitutes a bona fide occupational qualification, in order to meet the labor force demands of the County.
- F. New County employees shall be provided a copy of this Plan in writing or electronically by the Human Resources Department and all County employees shall receive a copy of any updated version of this Plan in writing or electronically from the Human Resources Department. This Plan shall also be made available to all applicants for County employment or any interested parties upon request to the Human Resources Department.
- * G. Pursuant to state law, the Board of Commissioners acknowledges the fact that this Plan may not be enforceable as to Department Heads who are elected officials. If this Plan does not apply to a Department Head, the Board of Commissioners shall use all of its persuasive abilities to encourage said Department Head to comply with this Plan.

II. EQUAL OPPORTUNITY COMMITTEE (“EOC”)

- A. The Board of Commissioners has appointed a committee consisting of interested citizens to act under the terms of this Plan. This committee shall be known as the Ingham County Equal Opportunity Committee (hereinafter the "EOC"). The EOC is an advisory committee and shall perform the following functions:
 - 1. Serve as advisors to the Board of Commissioners on matters that will ensure equal opportunity for all County employees, as well as applicants for County employment.
 - 2. Make recommendations to the County Services Committee and the Board of Commissioners as necessary to carry out the County's commitment to equal opportunity.
 - 3. Review reports submitted by the Ingham County Human Resources Director (hereinafter referred to as the “HR Director”) and Human Resources Department.
 - 4. Verify annually that banks or other savings institutions holding County funds are equal opportunity employers and lenders. Verification shall be completed each year by December 31 of said year, and a report from the EOC shall be made available by January 31 of the following year to the Board of Commissioners and the Human Resources Department.
 - 5. Verify annually that, to the extent possible, all County purchasing is done from equal opportunity employers. Verification shall be completed each year by December 31 of said year and a report from the EOC shall be made available by January 31 of the following year to the Board of Commissioners and the Human Resources Department.

6. Review periodic reports and annual evaluations of the ethnic and gender status of the County's employee base solely for the purpose of determining a need for further inquiry to ascertain whether there has been specific prior discrimination in hiring practices to evaluate applicable hiring criteria to ensure that they are reasonably job-related and do not arbitrarily exclude members of the underutilized group, or to indicate the need for inclusive outreach efforts to ensure that members of the underutilized group have equal opportunity to seek employment with the affected department.
 7. Provide an annual report to the County Services Committee based on its work during the previous calendar year.
 8. Review this Plan for its continued relevance every three years or as necessary.
 9. The EOC may recommend adjustments to job-related qualifications after an investigation and determination is made by the EOC that the recommended job-related qualifications are appropriate, do not violate the Michigan Civil Rights Initiative, known as Proposition 2 (Michigan 06-2), or any other local, state, or federal law.
- B. All meetings of the EOC shall be open to the public and provide an opportunity for limited public comment. The EOC reserves the right to limit access to its meetings at those times when the facts involved in a complaint against the County are being discussed or as otherwise permitted in accordance with the requirements of the Michigan Open Meetings Act.

III. HIRING AND PROMOTION PROCESS

- A. The County shall be an Equal Opportunity Employer.
- B. The Human Resources Department shall evaluate and monitor the interview and selection process of each County department to ensure that this Plan is adhered to and no person is denied employment or promotional opportunities because of their race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, disability, height, weight, marital status, age, genetic information, or political affiliation, except where age, sex, or lack of disability constitutes a bona fide occupational qualification.

C. Inquiries Regarding Salary History During the Hiring Process.

1. The Human Resources Department or any person engaged in the hiring process on behalf of the County shall not, except as otherwise provided in this Plan, inquire about the salary history of an applicant for employment or rely on the salary history of an applicant in determining the salary, benefits or other compensation for such applicant during the hiring process, including the negotiation of a contract. "To inquire," "Inquiries," or "Inquire" as used in Section III of this Plan includes any means to communicate any question or statement to an applicant, an applicant's current or prior employer, or a current or former employee or agent of the applicant's current or prior employer, in writing or otherwise, for the purpose of obtaining an applicant's salary history, or to conduct a search of publicly available records or reports for the purpose of obtaining an

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applicant's salary history, but does not include informing the applicant in writing or otherwise about the position's proposed or anticipated salary or salary range.

2. Notwithstanding Section III(C)(1) of this Plan, the Human Resources Department or any person engaged in the hiring process on behalf of the County may, without inquiring about salary history, engage in discussion with an applicant about their expectations with respect to salary, benefits and other compensation, including but not limited to unvested equity or deferred compensation that an applicant would forfeit or have cancelled by virtue of the applicant's resignation from their current employer.
3. Where an applicant voluntarily and without prompting discloses salary history to the Human Resources Department or any person engaged in the hiring process on behalf of the County then the Human Resources Department or any person engaged in the hiring process on behalf of the County may consider salary history in determining salary, benefits and other compensation for such applicant, and may verify such applicant's salary history.
4. Section III(C) of this Plan shall not apply to: (1) Any actions taken by the Human Resources Department or any person engaged in the hiring process on behalf of the County pursuant to any federal, state or local law that specifically authorizes the disclosure or verification of salary history for employment purposes, or specifically requires knowledge of salary history to determine an employee's compensation; (2) Applicants for internal transfer or promotion with their current employer; (3) Any attempt by the Human Resources Department or any person engaged in the hiring process on behalf of the County to verify an applicant's disclosure of non-salary related information or conduct a background check, provided that if such verification or background check discloses the applicant's salary history, such disclosure shall not be relied upon for purposes of determining the salary, benefits or other compensation of such applicant during the hiring process, including the negotiation of a contract; or (4) Public employee positions for which salary, benefits or other compensation are determined pursuant to procedures established by collective bargaining.

- D. The Board of Commissioners recognizes that by law County elected officials may choose to use an alternate process for the hiring of their confidential administrative staff. For example, chief deputies. However, the Board of Commissioners shall use all of its persuasive abilities to encourage said County elected officials to comply with this Plan.

E. Recruitment.

1. All advertisements for open positions shall identify the County as an Equal Opportunity Employer. The County shall implement a program of intensive recruitment of qualified individuals directed toward the community at large and ensure that no segment of the community is excluded from County job opening notifications. Internal dissemination of this Plan in meetings with Department Heads and the Human Resources Department representative shall also be made on a semi-annual basis. At these meetings, Department Heads shall be advised of this Plan and their responsibilities under it.
2. A bi-weekly listing of open positions shall be transmitted to community organizations, as determined to be appropriate organizations by the Human Resources Department based on the organization's ability to advance the goals of this Plan, for information purposes. The Human Resources Department shall maintain a list of organizations deemed appropriate under this section and produce a copy of the list in accordance with a request made under the Michigan Freedom of Information Act.
3. The open position listing shall also be displayed in County buildings and offices. Additionally, the posting shall be sent to local United States Post Offices, state unemployment offices in Lansing, and the Placement Offices of Michigan State University, Lansing Community College, and other local agencies, such as community and ethnic organizations and federal or state-funded employment and training programs. The County shall also list all openings on the County's Internet site and Intranet site. Notices of openings may be placed in local newspapers, including local foreign language publications, and out-of-town newspapers when positions are determined to be difficult to fill by the Human Resources Department.
4. At least annually, the Human Resources Department will contact and work with local educational institutions in an effort to encourage graduates to apply for open County positions.
5. At least annually, or as directed by the EOC, the Human Resources Department shall review hiring data and undertake efforts to assure that advertising and recruiting efforts provide for equal opportunity, non-discrimination, and diversity in hiring. The Human Resources Department shall continue to enhance the County's equal opportunity recruitment strategies by putting forth its best efforts in attracting a qualified and diverse applicant pool.
6. Recruitment and interviews may be conducted at the offices of various agencies within the County that provide facilities and programs for employment.
7. The County shall continue to and whenever possible, based on available resources allocated by the Board of Commissioners for such purposes, expand the practice of student internships and work-study programs to encourage students to consider County government employment.

F. Job Openings.

1. The Human Resources Department shall be informed of any job openings through the use of a Personnel Action Request and Job Requisition form completed by a Department Head.
2. The Human Resources Department shall post the current job openings in the Ingham County Job Opportunity Bulletin, as well as other venues determined to be appropriate by the Human Resources Department that will promote the goals of this Plan. Each position shall be posted for two business weeks, unless insufficient applications are received, at which time the job posting may remain active at the discretion of the Human Resources Department.

G. Application Process.

1. All applicants shall apply for County positions through the Human Resources Department. The Human Resources Department shall make the appropriate reasonable effort to accommodate all applicants in regards to any special needs the applicant may have. Applications shall be available in the Human Resources Office or by request through the United States Mail. Applications shall also be available online at the County's Internet site (www.ingham.org) in a real time format or a printable format when using Adobe Acrobat Reader.

H. Interviews and Hiring.

1. The Human Resources Department shall be responsible for:
 - i. Developing hiring policies and procedures for County agencies.
 - ii. Posting job descriptions.
 - iii. Reviewing job applications and to proceed with those that meet the minimum qualifications.
 - iv. Referring the most qualified applicants, based on established screening criteria, to the hiring department for review.
 - v. Reviewing hiring departments' employment packages for compliance with Human Resources Department guidelines and this Plan prior to the hire of a new employee.

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2. The hiring department shall be responsible for developing an employment package that includes:
 - i. A job description.
 - ii. An interview panel consisting of a diverse group of interviewers to include, at a minimum and when reasonably practicable, one female interviewer, one male interviewer, and one minority interviewer.
 - iii. The interview panel rating forms and standardized job related questions; for example:
 - a. Knowledge of job to be performed.
 - b. Education and experience.
 - c. Special training that is job related.
 - d. Interpersonal skills.
 - e. Communication skills.
 - f. Personal demeanor.
 - iv. A guide of how each interview question is weighted in the overall scoring.
 - v. An interview rating sheet for qualified applicants referred by the Human Resources Department.
 3. The interview panel recommendation on the top candidate(s) shall be made to the hiring supervisor. The hiring supervisor will make the final decision.
 4. Department heads are required, and elected officials are highly encouraged, to use interview panels which reflect the diversity of the County's population.
 5. The Human Resources Department shall assist departments in achieving compliance with this Plan. The HR Director is to report to the County Services Committee where there is concern regarding the efforts of any department to comply with this Plan.

I. Unsuccessful Applicants.

1. An applicant not hired into the position for which the applicant has applied shall be considered an unsuccessful applicant. Only applicants that are referred by the Human Resources Department and interviewed but not hired by the hiring department shall be notified of the hiring department's decision within two weeks by United States Mail or email.

2. Applications of unsuccessful applicants shall be placed in the active application file for a period of 1 year. During this year, the applicant may be considered for any other position that they feel they are qualified for by simply submitting a cover letter for a designated position if the Human Resources Department receives the same by the end of the business day Friday of the deadline week.
3. At the end of the first year for an application and at the start of the second year, all applications shall be placed into inactive status and removed to a separate storage area where they shall be held for a period of one additional year. During this second year, an application may be reactivated, although a new application would be required to be completed and attached to any existing applications for the applicant. After the second full year of the application and on a yearly basis all applications two years of age or older shall be shredded for security and confidentiality reasons and then properly recycled.
4. For purposes of recruitment only and in specific instances where normal advertisement and Job Vacancy Bulletin Posting do not adequately draw a reasonable number of applications, applicants from previous related positions with similar job classifications may be notified through use of a database system at the discretion of the Human Resources Department.
5. The use of this database shall be to notify all applicants from the previous related position(s) applied for that there is a similar opening. It shall then be the applicant's responsibility to notify the Human Resources Department through the use of a cover letter or a new application, when necessary, that they wish to be considered for the existing vacancy. Upon receipt of their request, they shall again be considered along with all other applicants for the existing vacancy and again begin the hiring process as set forth in this Plan.

J. Promotions.

1. All open County employment vacancies will be listed in the Ingham County Jobs Opportunity Bulletin. Current employees who apply shall be screened and may be interviewed. Department Heads are encouraged to communicate to the Human Resources Department current employees that they feel would qualify for open positions. The procedure of referring the most qualified candidates and the goals of this Plan shall be consistently followed. Career ladder referrals shall be made in accordance with the appropriate collective bargaining agreement, if any collective bargaining agreement governs.
2. Among the positive factors to be considered in the promotion of supervisors and managers is their record at efforts in complying with this Equal Opportunity Employment Plan.

IV. HUMAN RESOURCES DEPARTMENT REPORTS

A. The Human Resources Department shall compile reports concerning the following:

1. Demographic characteristics of the County's population as a whole that includes, but is not limited to, data regarding all protected classes as is reasonably practicable.
2. Demographic characteristics of the County's employment applicants that includes, but is not limited to, data regarding all protected classes as is reasonably practicable.
3. Demographic characteristics of the County's employee base that includes, but is not limited to, data regarding all protected classes as is reasonably practicable.
4. The County's internal applicant flow.
5. Current department demographic characteristics to compare the relative proportion of the protected classes in the County's employee base and employment applicant pool to the County's population as a whole.

B. The reports compiled by the Human Resources Department shall be reviewed for indications of discrimination or barriers to the employment opportunities of individuals covered under this Plan by the Human Resources Department and the EOC. The County population demographics shall be determined using the most current U.S. Census data and/or other reliable source of population data.

C. Interpretations of data that conclude that there is a discriminatory action, perception, or effect, even if there is a lack of discriminatory intent, shall be subject to further review and action by the Human Resources Department and the EOC. It shall be of paramount importance to discover and document the basis for any perceived discriminatory action, perception, or effect and to take the necessary action based on said action, perception, or effect. The responsibility of showing that there is no actual discrimination rests within the department where the discriminatory action, perception, or effect has occurred. Documentation of actions and events is essential under this Plan.

V. EMPLOYMENT PRACTICES

A. Development and Training.

1. The County may provide opportunities for training to current employees by continuing its policy of reimbursing the cost of tuition and related expenses for employees who pursue further education and training related to their current or advanced County employment on their own time as budget resources allow. The County may also allow and encourage its employees to participate in seminars, workshops and the like at County expense and time, based on budgeted resources and the work load demands of the office.

B. In-Service Training.

1. The Human Resources Department will conduct periodic in-service training consisting of employment practices and issues for Department Heads, manager, supervisors, and elected officials. The County Services Committee and EOC shall assist and give input to the Human Resources Department in developing appropriate in-service training.

C. New Employee Orientation.

1. During the first week of their employment, all new employees must attend an orientation session at the Human Resources Department office, which will include, among other things, receiving a copy of this Plan.

D. Compensation.

1. All County positions have salary ranges established by the Human Resources Department and approved by the Board of Commissioners. These salary ranges are on file at the Human Resources Department office. Persons hired begin at the starting salary as determined by the appropriate collective bargaining agreement in affect for the new hire.
2. Since 1973, positions within the County are classified according to systems adopted by various collective bargaining units and approved by the Board of Commissioners.

VI. ENFORCEMENT OF THIS PLAN

A. Filing a Complaint.

1. Applicants. If an applicant for employment believes that they have not been treated fairly, or have been discriminated against in any way, in the hiring process by any segment of the Ingham County Government, they have the right to contact the Human Resources Department or the EOC about such treatment. Any such complaints must be in writing and signed by the claimant. The complaint must contain at least a current telephone number and/or address that will allow the Human Resources Department or the EOC to contact the claimant. Any complaints received by the EOC will be referred to the Human Resources Department for review and investigation. The Human Resources Department will report to the EOC the status of any complaints. Complaints brought directly to the HR Director will be reported to the EOC. Any complaints against the HR Director will be referred to the County Controller. The County Controller will also keep the EOC informed of the status of any complaints handled by that department. This Plan does not preclude any other legal rights available to any claimant.

2. Current Employees. All County collective bargaining agreements prohibit discrimination and have appropriate grievance procedures to process a complaint. However, every County employee can also avail themselves of the complaint procedure outlined thereafter. This Plan does not abrogate any other legal rights available to any claimant.

B. Complaint Procedural Steps.

1. A representative of the Human Resources Department will contact the claimant as soon as reasonably possible after receipt of the complaint to ascertain and establish the facts of the complaint. All such contact between the Human Resources Department will be kept as confidential for as long as practicable. All investigations will be made in a timely manner. The representative of the Human Resources Department will submit a report to the EOC.

C. Corrective Action.

1. Where there are demonstrated concerns regarding compliance with this Plan, the Board of Commissioners may, through the County Services Committee or the Human Resources Department, where appropriate and as provided by law, take the following action or actions including but not limited to:
 - i. Direct the appropriate Department Head, manager, and/or employee(s) to address the facts of the complaint in person at a County Services Committee meeting.
 - ii. Impose or extend a hiring delay.
 - iii. Require the Human Resources Department to participate in the final interview and hiring process of the employment vacancy complained of. Additionally, the County Services Committee may designate one of its members or authorize an EOC member to be present.
 - iv. Have final approval of the hiring decision.
 - v. Discipline those Department Heads, managers, and/or employees who violate state, federal, or local discrimination laws or ordinances. Such discipline, where appropriate, may include termination of employment.

D. Reprisal or Retaliation.

1. The County will not permit or tolerate any form of reprisal or retaliation against a County employee or applicant reporting any legitimate incident prohibited by this Plan. Any County employee doing so will be subject to corrective action, up to and including, termination, as determined by the County in accordance with the appropriate collective bargaining agreement, if any.

VII. SEXUAL HARASSMENT

- A. The County regards sexual harassment as a very serious matter and prohibits it in the workplace by any person and in any form. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when any of these three criteria are met:
1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of the individual's employment.
 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.
 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- B. The following are examples of prohibited conduct. This list is only for illustrative purposes, and is not intended to be a complete list of prohibited conduct:
1. Demanding sexual favors in exchange for favorable hiring, reviews, assignments, promotions, continued employment or promises of the same.
 2. Continued or repeated sexual jokes, language, epithets, flirtation, advances, innuendo, or propositions.
 3. Verbal communication of a sexual nature.
 4. Graphic verbal commentary about an individual's body, sexual prowess, or sexual deficiencies.
 5. Sexually degrading or vulgar words to describe an individual.
 6. Leering, whistling, touching, pinching, brushing the body, assault, coerced sexual acts or suggestive, insulting, or obscene comments or gestures.
 7. The display in the workplace of sexually suggestive objects, pictures, graffiti, posters, or cartoons.
 8. Name calling, relating stories, gossip, comments, or jokes that may be derogatory toward a particular sex, sexual orientation, gender identity, or gender expression.

9. Retaliation against associates for complaining about prohibited conduct.
10. Asking questions about sexual conduct, sexual orientation, gender identity, or gender expression.
11. Making or threatening reprisals after a negative response to prohibited conduct.
12. Physical harassment including assaulting a person, impeding or blocking movement, gestures, or any physical interference with normal work or movements.

C. Sexual Harassment Away From Work.

1. The prohibition of sexual harassment is not limited to unwanted conduct in the workplace and may include conduct outside the work environment.

D. Reporting Sexual Harassment

1. Any County employee who believes he or she has been subjected to sexual harassment shall report the alleged misconduct as soon as possible to their Department Head. The Department Head shall immediately investigate the complaint and try to resolve the complaint. The Department Head shall notify the HR Director or designee of the complaint and resolution, if any resolution is reached. If the matter is not resolved by the Department Head, the process set forth in Section VII(D)(2) of this Plan shall be utilized. If the complaint is against the claimant's Department Head, the process set forth in Section VII(D)(2) of this Plan shall be utilized.
2. Any County employee or applicant for County employment who believes he or she has been subjected to sexual harassment should report the alleged misconduct as soon as practicable to the HR Director or designee. Any complaints against the HR Director will be referred to the County Controller. The HR Director or designee or the County Controller shall immediately investigate the complaint and try to resolve the complaint in accordance with Section VII(E) of this Plan. Although the complaint does not have to be in writing initially, the HR Director or designee or the County Controller may require that the facts of the complaint be memorialized in writing and signed by the claimant. Any such complaint provided to anyone associated with the Human Resources Department will be provided as soon as practicable to the HR Director or designee or the County Controller. The claimant must provide at least a current telephone number and address that will allow the HR Director or designee or the County Controller to contact the claimant.
3. This sexual harassment policy shall only apply to those complaints of sexual harassment against a currently-employed County employee at the time of the complaint. The same procedure will be used for complaints against all employees, regardless of an employee's status as a Department Head or a supervisor.

4. If a current County employee or applicant for County employment is unsure of the nature of the alleged harassment, they should contact the Human Resources Department.
- E. Investigation of Sexual Harassment Complaints by the HR Director or Designee.
1. Any complaint shall be discreetly investigated as promptly as is practicable. The HR Director or designee or the County Controller may request to discuss the facts of the complaint with the respondent party, any other County employee, or any other persons that may have relevant information about the complaint. The process of any such interview will be left strictly to the discretion of the HR Director or designee or the County Controller
 2. Upon completion of the investigation by the HR Director or designee or the County Controller, the findings will be provided to the appropriate party to take appropriate actions, which may include, but are not limited to, counseling, reprimand, suspension, or dismissal of the County employee engaging in such conduct, made in accordance with the appropriate collective bargaining agreement or employment plan then in effect. The appropriate party is based on the following criteria:
 - i. If the complaint was against a County employee, then the finding will be provided to the employee's Department Head or the HR Director, when applicable.
 - ii. If the complaint was against a Department Head reporting directly to the County Controller, then the findings will be provided to the County Controller.
 - iii. If the complaint was against a Department Head appointed by the Board of Commissioners, the findings will be provided to the County Services Committee.
 - iv. If the complaint was against an elected official, the findings will be provided to the County Services Committee, who will respond in whatever manner it determines appropriate.
 3. The Equal Opportunity Committee shall be informed on an ongoing basis of all sexual harassment investigations.
- F. Reprisal or Retaliation.

1. The County will not permit or tolerate any form of reprisal or retaliation against a County employee or applicant reporting any legitimate incident prohibited by this Plan. Any County employee doing so will be subject to corrective action, up to and including, termination, as determined by the County in accordance with the appropriate collective bargaining agreement, if any.

G. Non-Employment Related Sexual Harassment.

1. This prohibition of sexual harassment applies to any County employee against anyone the County serves in its various capacities as the government of Ingham County.

H. Confidentiality.

1. Any complaint filed, including all information and documents pertaining to the complaint, shall remain confidential to the extent possible.

VIII. PURCHASING AND CONTRACTING

- A. It is the policy of the County that all vendors who provide goods and services to the County will, as a condition of providing such goods and services, adhere to all Federal, State, and Local laws, ordinances, rules, regulations, and policies, if applicable, prohibiting discrimination in regard to persons to be served and employees and applicants for employment by such vendor. These laws, ordinances, rules, regulations, and policies include, but are not limited to, the following:

1. The Elliot-Larsen Civil Rights Act, 1976 PA 453, as amended and as implemented by rules and regulations promulgated thereunder.
2. The Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended and as implemented by rules and regulations promulgated thereunder.
3. Section 504 of the Federal Rehabilitation Act of 1973, PL 93-112, 87 Stat 355, as amended and as implemented by rules and regulations promulgated thereunder.
4. The Americans with Disabilities Act of 1990, PL 101-336, 104 Stat 327 (42 USCA 12101, *et seq.*), as amended and as implemented by rules and regulations promulgated thereunder.
5. Title 7 of the Civil Rights Act of 1964, as amended and as implemented by rules and regulations promulgated thereunder.

- B. All vendors shall, as a condition of providing goods and services to the County and as required by all applicable laws and by this Plan, not discriminate against persons to be served or an employee or applicant of any such vendor with respect to hire, tenure, terms, conditions or privilege of employment, or a matter directly or indirectly related to employment because of race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, disability,

height, weight, marital status, age, genetic information, or political affiliation, except where age, sex or lack of disability constitutes a bona fide occupational qualification.

- * C. All vendors shall, as a condition of providing goods and services to the County and as required by all applicable laws and by this Plan, shall inform the Board of Commissioners or its designee and the Chairperson of the EOC of all complaints and violations of conduct prohibited under this Plan, including complaints and violations of the laws set forth in Section VIII(A) of this Plan, made by any employee of the vendor as soon as practicable, but in no instance later than 30 days from the date the vendor first becomes aware of the complaint or violation. The EOC may investigate any complaint against a vendor in the same manner as if the vendor's employee that made the complaint was an employee of the County.
- * D. All vendors shall, as a condition of providing goods and services to the County and as required by all applicable laws and by this Plan, agree to allow the vendor's employees to file a complaint under this Plan in the same manner as if the vendor's employee was an employee of the County. All vendors further agree that they will not retaliate in any way against an employee who files a complaint under this Plan.
- E. The Board of Commissioners may pass resolutions from time to time dealing with County purchasing and contracting, such as the resolution dated December 10, 2002, that may alter vendors' and potential vendors' obligations under this Plan when providing goods and services to the County.