



County of Frederick

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TO: Human Resources Committee and Board of Supervisors
FROM: Michael J. Marciano
DATE: December 6, 2019
SUBJECT: HR Committee Agenda

The HR Committee will meet in the First Floor Executive Conference Room at 107 North Kent Street on **Friday, December 13, 2019** at 9:00 a.m.

The agenda for the meeting is as follows:

1. **Human Resource Policy Recommended Revision**
 - a. Non-Discrimination/Non-Harassment
2. **Employee of the Month Recognition**
 - a. Employee Nomination

Non-Discrimination/Non-Harassment Policy For Consideration at the December 13, 2019 HR Committee Meeting

Attached is a redlined version that tracks the edits that were made to the version that was before the HR Committee on November 8, 2019. The specific changes that follow in the revised policy are as follows:

- Reworked the first paragraph to accomplish the reference to an addendum from HR.
- Prepared the addendum.
- Removed and added commas in various places, for more accuracy (first, second, and last harassment bullet points, first sentence of Reporting Obligations, and first sentence of Individuals and Conduct Covered).
- Added an “or” in the second harassment bullet point.
- Reworded the first sentence following the bullet points in Harassment. This is in an effort to avoid ambiguity about what constitutes “a certain level of seriousness”. This is the only change beside those discussed by the Committee that is other than a purely technical change.
- Changed “core values” to “professional expectations for its employees”.
- Reworded Reporting Obligations to make clear that an employee may also go to the HR Director in lieu of supervisor or department head.

XX. NON-DISCRIMINATION/NON-HARASSMENT

Frederick County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Frederick County prohibits discrimination, including harassment, on any illegal basis. The types of prohibited discrimination and/or harassment can be subject to change under the law. The addendum to this policy identifies the current forms of prohibited discrimination and harassment. The Human Resources Department will update the addendum as necessary consistent with changes in the law.~~In keeping with this commitment, discrimination or harassment on the basis of race, color, religion, sex, national origin, pregnancy, childbirth, medical conditions related to pregnancy or childbirth, age, marital status, disability, military service, veteran status, genetic information (such as information that could be used to determine an employee's risk for disease), or any other protected class under applicable law is prohibited.~~ Any employee found to have engaged in prohibited discrimination or harassment will be subject to discipline, up to and including termination.

Harassment

For purposes of this policy, harassment includes verbal or physical conduct that denigrates or shows hostility toward an individual or conduct that creates an intimidating, hostile, or offensive working environment for an individual because of the individual's protected class. Such conduct may include, but is not necessarily limited to, slurs, epithets, threats, derogatory comments or visual depictions, unwelcome jokes and teasing, stereotyping, insulting or obscene comments or gestures, display or circulation in the workplace of written or graphic material that denigrates or shows hostility toward the individual or group, or other verbal or physical actions relating to an individual's protected class.

Because there is often confusion related to the meaning of sexual harassment, it deserves additional clarification. Sexual harassment includes any unwelcome sexual conduct (including sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature) when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.

Sexual harassment can take many forms. The following is a partial list of the types of behavior that could constitute sexual harassment:

- Unwanted or unwelcome physical contact or conduct of any kind, including, patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact;
- Verbal abuse of a sexual nature, including sexual flirtations, advances, propositions, sexual innuendoes, or sexually suggestive, insulting, or graphic comments, noises, or sounds;
- Sexually explicit, suggestive, or offensive jokes;

- Demeaning, insulting, intimidating, or sexually suggestive comments about an individual's dress, body, appearance, or personal life;
- The display or distribution in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects or pictures, including nude photographs, drawings, or magazine pictures; and
- Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.

To violate the law, harassment must ~~reach a certain level of seriousness in terms of its nature, repetition~~ be serious in nature, be repeated, and/or have an impact on employment. This policy, however, not only prohibits unlawful harassment, but also offensive conduct that is contrary to Frederick County's ~~core values~~ professional expectations for its employees. Thus, Frederick County may take action to address offensive behavior or statements based on a person's protected class even if such action(s) standing alone would not rise to the level of unlawful harassment.

Reporting Obligations

Any employee who feels he or she has been subjected to, or has witnessed, any kind of harassing behavior, as described in this policy, should immediately notify his or her supervisor, or Department Head. In addition, if for any reason an employee is not comfortable with reporting harassment to his or her supervisor or Department Head, including but not limited to instances in which the supervisor or Department Head is engaging in or allowing the harassment, an employee may always instead opt to notify or the Director of Human Resources. A supervisor who becomes aware of any harassment, or who receives allegations of harassment from any employee, must immediately advise the Director of Human Resources.

Investigation

All complaints will be investigated in a timely manner and confidentiality will be maintained to the extent permitted by the circumstances consistent with the need to investigate and address the issue. Employees must cooperate fully and truthfully in any investigation relating to this policy. Depending on the results of the investigation, Frederick County may take corrective action, including such discipline as is appropriate, up to and including immediate termination of the employee.

Retaliation Prohibited

Frederick County forbids retaliation against any employee for making a good faith complaint or cooperating fully and truthfully in an investigation under this policy. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including termination. If an employee believes he or she has been retaliated against in violation of this policy, the employee must report such violation in the same way other violations of this policy are reported.

Individuals and Conduct Covered

This policy prohibits harassment, discrimination, and retaliation whether engaged in by, or directed at, employees, contractors, clients, vendors, or others an employee may come into contact with while working or representing the County. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

**Addendum to the
Non-Discrimination/Non-Harassment Policy
Discussed at the December 13, 2019
HR Committee Meeting**

The HR Committee is not being asked to adopt the Addendum to the Non-Discrimination/Non-Harassment Policy. It is being provided for informational purposes. As the law in this area changes, it is envisioned that staff may update the Addendum without having to go back to the HR Committee for approval.

ADDENDUM REGARDING NON-DISCRIMINATION/NON-HARASSMENT

Issued by Human Resources Department, January 2020

In keeping with Frederick County's commitment to a work environment in which all individuals are treated with respect and dignity, discrimination and/or harassment on the following bases is prohibited:

- race
- color
- religion
- sex
- national origin
- pregnancy, childbirth, medical conditions related to pregnancy or childbirth
- age
- marital status
- disability
- military service
- veteran status
- genetic information (such as information that could be used to determine an employee's risk for disease).



County of Frederick Employee of the Month Nomination Form

Received: (HR use)

Do you know of an employee who

Exhibits **EXTRA** effort...

Goes **ABOVE AND BEYOND** the requirements of his or her position...

Provides **OUTSTANDING** service...

Makes a significant contribution, accomplishment or achievement to the County of Frederick and its residents.

Criteria for Employee Recognition: Please mark the appropriate contribution(s):

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Critical Thinking and Problem Solving | <input type="checkbox"/> Interpersonal Skills | <input type="checkbox"/> Professionalism | <input type="checkbox"/> Superior Accomplishment |
| <input type="checkbox"/> Customer Service (Exceptional) | <input checked="" type="checkbox"/> Leadership Qualities | <input checked="" type="checkbox"/> Project | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Dependability | <input type="checkbox"/> Monetary Savings Ideas | <input checked="" type="checkbox"/> Quality | |
| <input type="checkbox"/> Innovation/Creativity | <input type="checkbox"/> Performance/Skill Level | <input type="checkbox"/> Resourcefulness | |
| <input type="checkbox"/> Integrity | <input type="checkbox"/> Positive Attitude | <input type="checkbox"/> Safe Work Practices | |

Employee Name: Shelia Harden

Department: NRADC/DCS

Nomination Submitted By: Patricia Lowery

Department: NRADC/DCS

Nominator's Signature: *Patricia Lowery*

Date: 11/7/19

Describe the employee's accomplishments/contributions that were **ABOVE AND BEYOND** the normal duties expected of the position. Describe how the employee provided exceptional service:

I would like to nominate Shelia Harden for Employee of the Month as she provided assistance for the majority of the workload for a full-time employee while she was out on Medical Leave from June 5, 2019 to October 15, 2019. During this time Shelia did an excellent job working the front desk and taking on a majority of tasks assigned to that position as well as keeping her own job responsibilities in check. In September of 2019 we were informed by the Commission on VASAP that our old client data base system will be eliminated and become a read only system on December 31, 2019. This will require all active cases on our old system to be re-entered into the new system. During the month of October Shelia audited over 500 active cases on our old system and has informed the Director of ASAP as well as the case managers the need of the offender cases in order to have their cases switched from the old system to the new system. During the audit of these cases, Shelia was able to close services for approximately 200 offenders, which greatly reduced the amount of cases which will need to be entered into the new system. Because the old system will become read only we will also be required to enter over 1400 cases which are closed but carry an outstanding balance. Plans to begin entering these cases will take place during the week of November 11, 2019. Shelia reported to me on October 29th that she has already started entering the outstanding balance cases.

Specifically describe the actions that meet the criteria of this award. Describe the value added to the department, team or organization.

On more than one occasion Shelia has stepped up and taken on additional job responsibilities to help this agency without being asked and without hesitation. Over the last few years we have had several staff members retire, resign or unexpectedly be out of the office for an extended period of time for medical/family leave. Shelia is always the first to help wherever or however she can. Shelia is always displaying quality work and takes pride in her position with Frederick County, Division of Court Services. This shows me as her supervisor that she is a dependable and dedicated employee who does not hesitate to use her leadership skills to go above and beyond for only for this agency but also for the County of Frederick.