

## **NON-DISCRIMINATION POLICIES**

### **Equal Opportunity Employment Policy**

It is the policy of the Orange County Library System (Library) to select, develop, and promote employees based on the individual's ability and job performance. It has been and shall continue to be the policy of the Library to provide equal opportunity for all people in all aspects of employer/employee relations without discrimination on the basis of race, color, religion, creed, sex/gender (including pregnancy, sexual orientation, and gender identity), national origin, ancestry, marital status, veteran status, citizenship, age, physical or mental disability, genetic information, or any other basis prohibited by federal, state, and/or local law. The Library also makes reasonable accommodations for qualified disabled employees so long as the Library is not caused an undue hardship. This policy affects decisions including, but not limited to, an employee's compensation, benefits, terms and conditions of employment, opportunities for promotion, training and development, transfer, and other terms of employment. It has been, and shall continue to be, the Library's policy to maintain a working environment free of discrimination and unlawful harassment (including sexual harassment). Employees who violate this policy will be subject to discipline, up to, and including, termination of employment.

It is the responsibility of every manager and employee to follow this policy conscientiously. Unlawful discrimination in any form will not be tolerated. Any incident of discrimination should be reported to the Human Resources Director or member of the Administrative Team (defined to include the Library Director, Assistant Director, Chief Information Officer, Chief Financial Officer, Chief Operating Officer, Chief Branch Officers, and the Chief of Lifelong Learning). Please refer to the detailed "Prohibited Harassment Policy, Including Sexual Harassment" for more information.

Any employee with questions regarding this policy should discuss them with the Human Resources Director or a member of the Administrative Team.

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### **Americans with Disabilities Act (ADA)**

It is the Library's policy to comply with federal, state and any applicable local laws regarding the employment of qualified persons with a disability. The Library prohibits discrimination against a qualified individual with a known disability. This includes, but is not limited to, discrimination with respect to application, hiring, promotion, discharge, compensation, benefits, training, and all other aspects of employment.

The Library will reasonably accommodate qualified individuals with a known disability if necessary to enable an individual to perform the essential functions of the individual's job. Such reasonable accommodation will be made unless it creates an undue hardship for the Library. The individual must make known to the Library the need for a reasonable accommodation and is free to suggest an accommodation but there is no guarantee that the suggested accommodation will be provided. The individual must contact the Human Resources Director if a reasonable accommodation is being requested and provide sufficient information for the request to be evaluated. The Library will engage in an interactive process with the employee in order to assess the request

and the Library's business needs. Sufficient medical information/accommodation assessment will be required to support the request and need for an accommodation. Requests by qualified individuals with disabilities for reasonable accommodations will be considered by the Human Resources Director and discussed with others on a need to know basis to determine the nature and scope of the accommodation to be made (if appropriate), after consideration of the particular circumstances, including any hardship to the Library. The Library will work with the employee on a reasonable accommodation but it may not be the accommodation that is being specifically requested by the employee. Employees with questions on this policy must direct those questions to Human Resources.

All information obtained concerning the medical condition or history of an applicant or employee will be maintained in separate medical files and will be treated as confidential information that will only be disclosed as is essential or necessary.

Any employee or applicant with questions regarding this policy should discuss them with the Human Resources Director or a member of the Administrative Team.

Any Library employee who wishes to make a complaint of disability discrimination under Title II of the ADA is directed to the Library's ADA Title II Grievance Procedure.

[Any member of the public with questions about a reasonable accommodation under Title II of the Americans with Disabilities Act (ADA), as amended, should contact the designated ADA Compliance Coordinator by email or phone (currently Bethany Stone; stone.bethany@ocls.info; 407-835-7445)].

### **Genetic Information Nondiscrimination Act (GINA) Policy**

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an employee or family member of the employee, except as specifically allowed by this law. To comply with this law, the Library asks that employees not provide any genetic information when responding to any request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

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### **Religious Accommodation**

The Library respects the religious beliefs, observances, and practices of all employees and embraces religious diversity. The Library will make good faith efforts to reasonably accommodate an employee's sincerely held religious belief, unless the Library believes such an accommodation would create an undue hardship.

An employee whose religious beliefs (and non-beliefs), observances, or practices conflicts with his/her job, work schedule, with the Library's policy or practice on dress

and appearance, or with other aspects of employment and who seeks a religious accommodation must submit a written request for the accommodation to Human Resources. The written request must include the type of religious conflict that exists and the employee's suggested accommodation. The request must contain sufficient information for the request to be properly evaluated and a determination made as to whether the Library must make a religious accommodation as social, political, or economic philosophies, and personal preferences generally speaking (and unless as provided under applicable law), are not "religious" beliefs which must be accommodated. An accommodation may be a change in job, using paid leave or leave without pay, allowing an exception to the dress and appearance code which does not impact safety or uniform requirements, or for other aspects of employment.

Human Resources, the supervisor, if applicable, and the employee will meet to discuss the request and the decision on an accommodation. If the employee accepts the proposed religious accommodation, the decision will be implemented. If the employee rejects the proposed accommodation, the employee will be provided with an opportunity to further discuss this situation with Human Resources to ensure Human Resources had all available information when making the decision. The employee will be informed of the final decision.

Human Resources (who may consult with other appropriate Library managers and/or Administrative Team) will determine the nature and scope of the accommodation to be made, after consideration of the particular circumstances, the type of conflict and suggested accommodation, including any hardship to the Library and considering any work related matters. Any supervisor or manager who becomes aware of any situation that may require the Library to consider a religious accommodation must immediately notify Human Resources. If you have any questions concerning the application of this policy, please raise them with Human Resources.

An employee who is not requesting a religious accommodation but who has a concern about a matter involving religion in the workplace must bring those matters to the Library's attention in accordance with the "Prohibited Harassment Policy, Including Sexual Harassment."

Rev. 09/16

### **Prohibited Discrimination and Unlawful Harassment Policy, Including Sexual Harassment**

All employees have the right to work in an environment free of discrimination and any form of unlawful harassment. The Orange County Library System does not and will not condone discrimination or unlawful harassment against employees on the basis of race, color, religion, creed, sex/gender (including pregnancy, sexual orientation, and gender identity), national origin, ancestry, marital status, veteran status, citizenship, age, physical or mental disability, genetic information, or any other characteristic protected by federal, state, or local law.

It is the intent of the Orange County Library System to exclude unlawful discrimination and unlawful harassment in all forms from all of its workplaces and working

relationships. All customers, users, or visitors have the right to an environment free of unlawful discrimination and harassment. This prohibition applies to all vendors hired by the Library or who spend time on the Library premises. Employees who fail to respect these rights may receive disciplinary action up to, and including, dismissal. Third party vendors may have their contracts terminated or other appropriate action taken against them for violations of this policy.

**Conduct.** To help ensure that no employee feels subject to discrimination or unlawful harassment, the Library prohibits any offensive physical, visual, written, or spoken conduct, including but not limited to conduct of a sexual nature, off color jokes, racial, ethnic or religious epithets, slurs or innuendos, ageist remarks, whether in person, in writing, or by way of electronic media (the "Conduct").

Offensive Conduct of a sexual nature may constitute unlawful harassment when engaged in by someone employed by the Library in a position to influence employment decisions when (1) submission to such conduct is made, either expressly or implicitly, a condition of the recipient's continued employment; or (2) submission to or rejection of such conduct by the recipient is used as the basis for employment decisions affecting the recipient. This includes any gender-based harassment against a person of the same sex as the alleged wrongdoer. Any sexual advances or personal relationships between a direct supervisor and subordinate are prohibited.

**Scope and Reporting.** The Library also prohibits repeated and unwelcome physical, visual, written, or spoken conduct by either a supervisor or any fellow employee that substantially interferes with an individual's work performance or creates what a reasonable person would consider to be an intimidating, hostile, abusive, or offensive working environment. Any such Conduct toward not only fellow employees but also customers, users, or visitors to the Library, is strictly prohibited, and will be cause for immediate investigation upon report of such offensive Conduct to the Human Resources Director or any member of the Administrative Team (which includes the Library Director, Assistant Director, Chief Financial Officer, Chief of Lifelong Learning, Chief Information Officer, Chief Operating Officer, and the Chief Branch Officers).

**Definitions.** Unlawful harassment or discrimination is not always capable of precise definition. For example, what may be unwelcome sexual harassment to one person could be nothing more than socializing, teasing, locker room banter, or flirtation to another person. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Therefore, the Library must treat all complaints seriously and admonishes all employees to guard against any conduct that tends to cause discomfort or harassment to another employee, even though one might not believe it to be offensive.

The following are examples of what may be considered sexual (regardless of the sex or gender of the persons involved) or other unlawful harassment, depending on the facts and circumstances:

1. Verbal Harassment: derogatory or vulgar comments regarding sex or demands for sexual favors, sexual jokes, epithets, slurs, and innuendo, racial or religious slurs, or the like.
2. Visual Harassment: distribution or viewing of written or graphic materials containing sexually explicit or sexually or racially demeaning pictures or language (including email messages with attached files).
3. Physical Harassment: unwelcome or unsolicited sexual advances or other physical conduct of a sexual nature, such as touching, pinching, or causing one to fear that they will be touched inappropriately.

These examples apply whether during working hours, outside working hours, in person, or by other means of communications such as phone or electronic communications.

If an employee believes that s/he is being subjected to any of these forms of harassment or believes s/he is being discriminated against because other employees are receiving favored treatment in exchange, for example, for sexual favors, s/he must promptly bring this to the attention of the Human Resources Director or a member of the Administrative Team so the matter may be reviewed. Employees who believe others are being subjected to such behavior are likewise asked to report the situation to a designated person. The very nature of discrimination or harassment makes it difficult to detect unless the individual registers his/her discontent per this policy, or someone does so on that person's behalf. No one is authorized to discourage anyone from reporting what a person, in good faith, believes is or may be a problem under this policy or from participating in the Library's investigation of a situation under this policy. Consequently, in order for the Library to handle the problem, employees must report such offensive Conduct or situations to the Human Resources Director or a member of the Administrative Team. For any situations reported to a member of the Administrative Team, the matter must be promptly brought to the Human Resources Director so the matter can be investigated, except in situations involving the Human Resources Director, in which case the Administrative Team member must report directly to the Library Director.

**Management Responsibilities.** Any supervisor or manager becomes aware of possible violation of this policy whether it be inappropriate Conduct, discrimination or sexual or other unlawful harassment (whether personally observed, suspected or reported to management) must promptly advise the Human Resources Director (or the Library Director if it involves the Human Resources Director), who will handle the matter in a timely, discreet and appropriate manner. Supervisors and managers are defined by this policy to be those persons having authority to make a significant change in a person's employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits. While not all supervisors or individuals in a lead position will meet this definition, they must still report instances that may be in violation of this policy. All such situations and potential situations must be reported so the Library can look into the situation. Managers and supervisors who have not been designated as persons to

respond to complaint should not undertake an investigation on their own. They must instead follow the required reporting process under this policy.

**Complaint Process/Investigation/No Retaliation.** Employees will be asked to reduce this information to a written statement. After a complaint has been received, the Library will promptly and discreetly investigate the allegations.

It is understood that any person electing to utilize this complaint resolution procedure will be treated courteously, and the investigation and resolution of the situation will be handled as quickly as possible. Neither the registering of a valid complaint, nor the participation in an investigation, will be used or held against the employee, nor will it have an adverse impact on the employee's employment status. Employees must also report any future occurrences of the complained of actions, or similar actions, and advise the Human Resources Director, if they feel there is any reprisal or if they feel that they are being retaliated against for reporting any action under this policy or participating in an investigation. Reports of retaliation will be investigated and appropriate action will be taken consistent with the findings of the investigation.

The Library urges all employees who are involved in an investigation to respect the privacy of both the complaining employee and the alleged wrongdoer so as not to impair the careers or reputations of either or the integrity of the investigation. All parties must be aware of the seriousness of such complaints and the damage that can be done to everyone concerned.

Please note that Library employees making a complaint of disability discrimination under Title II of the Americans with Disabilities Act (ADA) is directed to the Library's ADA Title II Grievance Procedure.

**Actions.** Appropriate action will be taken consistent with the findings of the investigation. At the completion of the investigation the complainant will be informed of the outcome to the extent appropriate. An employee engaging in discrimination, sexual or other form of unlawful harassment, or retaliation will be subject to disciplinary action, up to and including discharge. False and malicious complaints may result in appropriate disciplinary action. No discipline will result, however, if a complaint is made in good faith, even if the Library's investigation is inconclusive or determines no discrimination or harassment actually occurred.

**Confidentiality.** The complaining employee must understand that confidentiality of the complaint involving the substance of the allegations cannot reasonably be expected due to the very nature and process of the investigation of the complaint. Nonetheless, due to the serious nature of such complaints, the Library will make an effort to restrict the dissemination of the complaint to those having a need to know.

We urge all employees to report any improper behavior as set out in this policy. Unless the Library knows of a problem, it cannot take steps to resolve it.