

Harassment and Retaliation Policy

The Jefferson-Franklin Workforce Development Board (Local WDB) and the Office of Job Training Programs, Inc. (OJTP) are committed to providing a work environment free of unlawful harassment and discrimination for all employees, subcontractors, partners, and customers. This policy prohibits discrimination, in any fashion, as well as retaliation against harassment and discrimination complaints.

WIOA (29 CFR 38.18) states that harassment of an individual based on race, color, religion, sex, national origin, age, disability, or political affiliation or belief whether actual or perceived, or, for beneficiaries, applicants, and participants only, based on citizenship status or participation in any WIOA Title I-financially assisted program or activity, is a violation of the nondiscrimination provisions of WIOA and this part.

This policy aligns with nondiscrimination and equal opportunity provisions of the following laws for participants, employees, and the general public:

- Section 188 of WIOA (race, color, religion, sex, national, origin, age, disability, or political affiliation or belief, or citizenship (participants only)
- Title VI of the Civil Rights Act of 1964 (race, color, national origin)
- Section 504 of the Rehabilitation Act of 1973 (disability)
- The Age Discrimination Act of 1975 (any age)
- Title IX of the Education Amendments of 1972, and (sex)
- Any other nondiscrimination and equal opportunity federal laws

Employees as well as non-employees are prohibited from harassing or discriminating against staff, customers, and partner employees whether or not the incidents of harassment or discrimination occur on employer premises and whether or not the incidents occur during work hours. Behavior covered by this policy may extend beyond the normal work hours and occur at conferences, meetings, or other events and electronic activity including social media. An incident may be considered harassment or discrimination even if the accused party did not intend to be offensive.

This policy does not supersede any subcontractor or partner agency's policy on harassment, discrimination, and retaliation and each agency housed in the Missouri Job Centers shall be expected to have policies and procedures to address harassment, discrimination, and retaliation.

Discriminatory Harassment

Prohibited conduct includes unwelcome conduct, whether verbal, physical, or visual, that is toward another based on a protected category, and 1) has the purpose or effect of creating an intimidating, hostile or offensive working environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities.

Protected Categories

Categories of individuals protected by law and/or executive order from a form of discrimination such as: age, ancestry, color, disability, genetic information, military/veteran

status, national origin, pregnancy, race, religion, or sex (including sexual orientation and gender identity). Under the scope of WIOA there are additional protected categories: Political affiliation or belief, national origin (including limited English proficiency), or against any beneficiary of, applicant to, or participant in programs financially assisted in the Title I of the Workforce Innovation and Opportunity Act, based on the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The following is a non-exclusive list of examples of prohibited conduct. The following behaviors will not be tolerated under any circumstance, whether or not the behaviors alone constitute discriminatory harassment or create a hostile work environment:

- Epithets, "jokes," or offensive or derogatory comments based upon an individual's sex, race, color, religion, national origin, age, disability, or sexual orientation.
- Ethnic slurs, workplace graffiti, or any offensive conduct directed towards an individual's birthplace, ethnicity, culture, or accent.
- Negatively stereotyping an individual based upon one of the protected categories listed in this policy.
- Making, posting, e-mailing, or circulating written or graphic materials that denigrate or show hostility toward an individual based upon his or her protected status.
- Any other threatening or intimidating act that relates to one (or more) of the protected categories.

Sexual Harassment

Sexual harassment is unwelcome verbal, non-verbal or physical conduct of a sexual nature that affects an employment decision, unreasonably interferes with a individual's work performance or creates an intimidating, hostile, or abusive work environment. Sexual harassment can be physical and/or psychological in nature.

Prohibited behavior includes any unwelcome behavior of a sexual nature such as: sexual advances and propositions; requests for sexual favors; sexual jokes, comments, suggestions, or innuendo; foul or obscene gestures or language; display of foul or obscene or offensive printed or visual material; physical contact such as patting, pinching, hugging or brushing against another individual's body; and any other unwelcome verbal, physical or visual conduct of a sexual nature where:

1. Submission to such conduct is an explicit or implicit condition of employment; or
2. Submission to or rejection of such conduct is used as a basis for employment-related decisions such as a promotion, discharge, performance evaluation, pay adjustment, discipline, work assignment or any other condition of employment or career development; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, abusive or offensive working environment.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment typically involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible

for engaging in prohibited harassment.

Sexual harassment based on gender identity; harassment based on failure to comport with sex stereotypes; harassment based on pregnancy, childbirth, and related medical conditions; and sex-based harassment that is not sexual in nature but that is because of sex or where one sex is targeted for the harassment.

Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Individuals who engage in sexual harassment, as defined by this policy, will be subject to disciplinary action.

Reporting Harassment or Discrimination

Individuals who believe they are being subjected to such conduct are encouraged to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often, this task alone will stop or prevent the action.

All employees, subcontractors, and partners are encouraged to report all perceived incidents, whether experienced or witnessed, of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals should follow the procedures of reporting such activities according to their employer of record's established procedures. If unsure, the staff member should report it to their supervisor of record, Director, or Human Resources.

The Local WDB, subrecipients, and partners shall be expected to thoroughly investigate all reports of harassment as discreetly and confidentially as reasonably possible. If an incident involves personnel from more than one agency, it shall be the responsibility of the original agency's human resources department to contact the other agency's human resource department.

Individuals who engage in harassment, discrimination and retaliation will be subject to disciplinary action, up to and including termination from employment.

Retaliation

It is against this policy to retaliate against any employee, subcontractor, or partner for filing a complaint of discriminatory harassment or for cooperating in an investigation of a complaint of discriminatory harassment. Retaliation should be reported immediately when an individual believes they have experienced retaliation because of filing an incident of harassment, discrimination or due to participation in a related investigation. Employees who retaliate against another employee for filing a complaint or participating in an investigation of harassment or discrimination shall be subject to disciplinary action.

Confidentiality

All inquiries, complaints, and investigations are treated confidentially unless legally required to be disclosed. Information is revealed strictly on a need-to-know basis.

Information contained in a formal complaint is kept confidential and maintained in a secure file.

Alternative Reporting Options

If you think you have been subjected to discrimination or harassment under a WIOA Title I financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either the Local or State Equal Opportunity Officer:

Trence James (TJ)

**State Local Level-EO Representative & Rapid Response Coordinator
Missouri Department of Higher Education & Workforce Development
3757 Harry S. Truman Blvd.
St. Charles, MO 63301
(816) 804-2956**

trence.james@dhewd.mo.gov

If you think you have been subjected to discrimination under a WIOA Title I financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

State WIOA Equal Opportunity Officer:

Danielle Smith

301 W. High Street

P.O. Box 1087

Jefferson City, MO 65101

Telephone: (573) 751-2428 or Fax: (573)751-4088

Email : Danielle.smith@dhewd.mo.gov

OR

The Director, Civil Rights Center (CRC),

U.S. Department of Labor

200 Constitution Avenue NW

Room N-4123

Washington,

DC 20210 or

electronically as directed on the CRC website at

www.dol.gov/crc