



State of Oklahoma
Office of Management and Enterprise Services
Policies and Procedures
Anti-Harassment and Non-Discrimination

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Approved: Denise Northrup, OMES Director	Approval Date: 04/03/2018

Reference

Oklahoma Anti-Discrimination Act, Title VII of the Civil Rights Act of 1964, as amended, Americans with Disabilities Act Amendments Act of 2008, Age Discrimination in Employment Act of 1967, as amended, Executive Order 11246, 74 O.S. § 840-2.9, 74 O.S. § 954, Merit Rule 260:25-3-1, Merit Protection Commission Rules 455: 10-3-5, et seq., Section 504, Rehabilitation Act of 1973

Policy

The Office of Management and Enterprise Services (OMES) strives to create and maintain a safe work environment in which all individuals are treated with dignity, decency and respect. OMES is committed to fostering, cultivating and preserving a culture of diversity and inclusion.

The work environment shall be characterized by mutual trust and the absence of intimidation, oppression and exploitation. It is OMES policy not to tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and education of employees, OMES will seek to prevent, correct and discipline behavior that violates this policy.

The principles of equal employment opportunity and anti-discrimination apply to all aspects of employment practices and personnel actions throughout OMES, including but not limited to recruiting, hiring, promotions, demotions, separations, reductions in force (RIF), recall, compensation, benefits, application of policies, training, working conditions and all other terms and conditions of employment.

All employees of OMES have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other agency-sponsored and participative events. Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action up to and including discharge.

All employees shall comply with this policy. OMES has no tolerance for harassment or discrimination. Appropriate measures will be taken to ensure that prohibited conduct does not occur. Employees who violate this policy are subject to disciplinary action, up to and including termination.

Definitions

“Discrimination” - Means any discriminatory work conditions; or to use discriminatory evaluative standards in employment, such as discriminatory treatment in whole or in part, based on the person's race, color, national origin, age, religion, ancestry, disability status, gender, sexual orientation, gender identity, genetic information, political affiliation, marital status or any other reason prohibited by law. Any OMES employee who believes he or she has been subjected to conduct which violates his or her civil rights is encouraged to promptly confer with a supervisor, manager or Human Capital Management.

“Harassment” - Means any verbal or physical conduct designed to threaten intimidate or coerce. Additionally, verbal taunting (including racial and ethnic slurs), and written material via any channel, including but not limited to social networking, e-mails, posters, or cartoons that, in the employee's opinion, impairs his or her ability to perform his or her job.

“Sexual Harassment” - Means any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions or such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment. Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees that is acceptable to and welcomed by both parties is not considered to be harassment, including sexual harassment. There are two types of sexual harassment. They are quid pro quo harassment and hostile work environment.

"Quid pro quo" harassment involves expressed or implied demands for sexual favors in exchange for some benefit (promotion, pay increase, etc.) or to avoid some detriment (termination, demotion, etc.) in the workplace. By definition, it can be perpetrated only by someone in a position of power or authority over another (e.g., manager or supervisor over a subordinate).

"Hostile work environment" is where the harassment creates an offensive and unpleasant working environment. Hostile work environment can be created by anyone

in the work environment, whether it is supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or unwelcomed physical contact as a regular part of the work environment. Texts, emails, cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching all fall into this category.

Discrimination/Harassment/Sexual Harassment

All discriminatory and harassing complaints shall be reported as soon as possible to a supervisor, manager or HCM personnel.

Discrimination, harassment and sexual harassment in violation of this policy will be subject to disciplinary action up to and including termination.

Consensual Sexual Relationships

OMES policy prohibits romantic or sexual relationships between a manager or supervisor and an employee who reports directly or indirectly to that person.

The Complaint Process

The OMES Complaint Process can be found at <http://omes.ok.gov/sites/g/files/gmc316/f/OMES-19ComplaintInvestigationProcess20180416.pdf>. The filing of groundless and malicious complaints is an abuse of this policy, and it is prohibited and subject to discipline.

Retaliation

No hardship, loss of benefit, or penalty may be imposed on an employee as punishment for:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator.

Retaliation or attempted retaliation is a violation of this policy and anyone who does so will be subject to disciplinary action up to and including termination.