

**Governor's Office of Homeland Security
and Emergency Preparedness**
State of Louisiana

JOHN BEL EDWARDS
GOVERNOR



JAMES B. WASKOM
DIRECTOR

**Discrimination and Harassment Complaints
Policy Number: HR-0025**

Issue Date: October 8, 2010
Revised Date: 4/28/2016, 9/19/2018

Approval:

A handwritten signature in blue ink that reads "James B. Waskom".

James B. Waskom, Director

I. POLICY:

The policy of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is to establish uniformity for the reporting, investigation and review of incidents involving discrimination and harassment involving GOHSEP employees.

II. APPLICABILITY:

This policy applies to all employees of the GOHSEP.

III. INTRODUCTION:

A. Discrimination in employment against protected classes of people.

Employees wishing to file a complaint of discrimination or harassment may utilize any or all procedures listed in the Compliant Procedure. Complaints not alleging discrimination or harassment should be pursued through the internal Three Step Grievance Procedure Policy HR-0012.

B. Use of this Complaint Procedure does not preclude any employee from seeking recourse through the appropriate state or federal agencies at any time. Therefore, if an employee wishes to file a complaint of discrimination or harassment, he has the following options:

1. File an internal complaint with GOHSEP's Employee Relations designee pursuant to this internal Discrimination and Harassment

- Complaint Policy; and/or
2. File a complaint directly with the Louisiana Commission on Human Rights (LCHR) or the Equal Employment Opportunity Commission (EEOC); or
 3. File a complaint with the LCHR and the EEOC at the same time.

IV. PROHIBITED CONDUCT

To ensure that all Agency employees enjoy a work environment free from harassment and discrimination, no employee shall harass or discriminate against any employee or other worker because of race, color, sex (whether or not sexual in nature), pregnancy, religion, creed, national origin, age, disability, veteran status, protected activity (such as opposition to prohibited discrimination or participation in the statutory complaint process) or any other basis prohibited by law. Prohibited conduct includes but is not limited to:

- A. Making decisions relating to a person's employment, evaluation, wages, advancement, assigned duties, or any other conditions of employment based on race, color, religion, creed, sex, pregnancy, national origin, age, disability, veteran status, protected activity or any other basis prohibited by law.
- B. Making offensive or derogatory statements, comments, slurs or gestures because of a person's race, color, sex, pregnancy, religion, creed, national origin, age, disability, veteran status protected activity or any other basis prohibited by law.
- C. Engaging in any other verbal or non-verbal behavior of an offensive or derogatory nature, because of a person's race, color, sex, pregnancy, religion, creed, national origin, age, disability, veteran status, protected activity or any other basis prohibited by law.
- D. Unreasonably interfering with work performance or creating an offensive or intimidating working environment because of a person's race, color, sex, pregnancy, religion, creed, national origin, age, disability, veteran status, protected activity or any other basis prohibited by law.
- E. Engaging in unwelcome sexually inappropriate behavior as defined in GOHSEP's Policy on Prohibiting Sexual Harassment, HR-0008, i.e., verbal, non-verbal or physical, to include, but is not limited to, flirtation, sexual advances, requests for sexual favors, propositions, display of sexually suggestive objects, pictures or drawings, dissemination of inappropriate emails, kissing, touching, embracing, hugging, etc.).
- F. Conditioning a person's employment, evaluation, wages, advancement, assigned duties, or any other condition of employment upon his

submission to sexual advances.

V. RETALIATION IS PROHIBITED

Retaliation is prohibited against any individual who reports discrimination or harassment, participates in an investigation of a complaint under this policy or who otherwise acts to enforce or uphold this policy. Retaliation is a serious violation of this policy and will be subject to appropriate disciplinary action, up to and including termination. If an employee is being retaliated against in violation of this policy, he should follow the complaint procedures outlined below. The Agency cannot take action to stop such behavior if its supervisors are unaware of problem behavior. In the same manner, false accusations have a damaging effect on the accused and will not be tolerated. Making false accusations may lead to disciplinary action.

VI. REPORTING AN INCIDENT OF DISCRIMINATION, HARASSMENT OR RETALIATION

- A. The Agency requires an employee to report all incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. If an employee feels he has been harassed or discriminated against, he shall follow the procedure in Section VII. Likewise, if he believes he has witnessed behavior that violates this policy, regardless of whether the behavior was directed at him, he shall immediately report the incident by following the same procedure outlined below.
- B. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination, harassment or retaliation. The Agency cannot remedy a problem unless it is reported. Therefore, while no fixed reporting period has been established, it is strongly urged that all incidents and concerns are reported immediately so that rapid and constructive action can be taken. *An employee who has experienced conduct that he believes is contrary to this policy has an obligation to take advantage of this complaint procedure. Failure to fulfill this obligation could affect his rights in pursuing legal action.*
- C. Supervisors who are made aware of allegations of discrimination, harassment or retaliation must report the allegation to the Equal Employment Opportunity Officer and the Director and/or the Deputy Director/Chief of Staff within twenty-four (24) hours.

GOHSEP's Equal Employment Opportunity Officer /
Employee Relations Designee is:

Beverly James
Employee Relations Administrator
7667 Independence Blvd.
Baton Rouge, LA 70806
(225) 358-5288 (voice)
Beverly.James@la.gov (email)

VII. REPORTING PROCEDURE

- A. GOHSEP requires any employee who feels he has been a victim of discrimination or harassment to report such incidents to the Equal Employment Opportunity Officer who serves as a neutral party in investigating the facts and circumstances of any allegation. The Equal Employment Opportunity Officer is a person officially designated and authorized to conduct inquiries into equal employment opportunity complaints. The Equal Employment Opportunity Officer will operate independently and free from Agency influence, and will conduct investigations as he sees fit. In the event that the Equal Employment Opportunity Officer is absent from duty, an acting Equal Employment Opportunity Officer or investigating officer, shall be designated to act in his place by the Director for the length of the absence.
- B. If the complaint is against the Equal Employment Opportunity Officer, or a complainant is uncomfortable about reporting to the Equal Employment Opportunity Officer, an employee is to report allegations of discrimination or harassment to the Executive Counsel or his designee. Alternatively, if the Equal Employment Opportunity Officer feels that the complaint would be better handled by another individual, the Equal Employment Opportunity Officer may seek the permission of the Director to have another investigating officer assigned to investigate the complaint. The assigned investigating officer shall initiate an internal investigation. Complainants are urged to report incidents as soon as possible, since a delay in reporting may make it difficult to gather appropriate information and documentation.
- C. All complaints of harassment, discrimination and/or retaliation will be promptly and thoroughly investigated. A clear written statement from the complainant assists the Equal Employment Opportunity Officer in conducting the investigation and will be requested by the Equal Employment Opportunity Officer. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or who may have other relevant information. Each employee must cooperate fully during the

investigation and provide all relevant information concerning the investigation. The alleged offender should be contacted during the investigation. Confidentiality will be maintained throughout the investigation process to the extent possible and to the extent consistent with the Agency's duty to prevent and correct harassment, discrimination and retaliation.

- D. An Equal Employment Opportunity Committee, whose purpose will be to review the finding and/or recommendations of the Equal Employment Opportunity Officer, will be appointed by the Director, and shall be comprised of three members. Once the Equal Employment Opportunity Officer or investigating officer concludes the investigation, he will issue a fact finding report, a preliminary finding, or recommendation concerning the complaint, which will be provided to the Equal Employment Opportunity Committee within a reasonable time after the conclusion of the investigation, but not to exceed thirty days, unless there are exigent circumstances for the delay. The length of time spent by the Equal Employment Opportunity Officer or investigating officer in investigating the complaint will depend on the severity of the allegations, the number of persons to be interviewed, and general availability of witnesses. Once the Equal Employment Opportunity Committee has received and reviewed the Equal Employment Opportunity Officer's report, findings or recommendations, the Committee will determine whether there is reason to believe discrimination has occurred and what, if any, action or remedy should be taken. The Equal Employment Opportunity Committee will then submit a report to the Director who in turn will decide whether to affirm, reject, or modify the Equal Employment Opportunity Committee's recommended actions. The Equal Employment Opportunity Officer will be responsible for maintaining all records and documentation of each investigation for at least two (2) years.

VIII. REPORTING TO AN AGENCY

- A. An employee who believes he has been discriminated against or harassed and wants to file a complaint has the right to file a complaint directly with either:
 1. Louisiana Commission on Human Rights (LCHR)
Post Office Box 94094
1001 North 23rd, Administrative Building, Room 262
Baton Rouge, Louisiana 70804
(225) 342-6969

or
2. Equal Employment Opportunity Commission (EEOC)

New Orleans District Office
1555 Poydras Street
New Orleans, Louisiana 70112
(800) 669-4000

- B. A charge of discrimination in employment must be filed with the Louisiana Commission on Human Rights within 180 days or with the Equal Employment Opportunity Commission within 300 days of the alleged discriminatory act. Filing a complaint through the internal procedure does not extend the deadline for filing a separate charge with the Louisiana Commission on Human Rights or the Equal Employment Opportunity Commission. Employees wishing to file a complaint should contact those offices directly within the requisite time limits.

IX. RESPONSIBILITY:

All employees are responsible for complying with all aspects of this policy.

X. QUESTIONS:

Questions regarding this policy should be directed to Equal Employment Opportunity Officer.

XI. VIOLATIONS:

Employees found to have violated this policy may be subject to disciplinary action up to and including termination.