



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: June 20, 2017

Title: Revisions to Board Policies C 2.1 and D 23.1.

Introduction/Background:

Proposed Revisions to Board of Supervisor Policy C 2.1 Workplace Ethics, Conduct and Compliance
Proposed Revisions to Board of Supervisor Policy D 23.1 Preventing, Identifying and Addressing Workplace Bullying

Discussion:

Board of Supervisor Policy C 2.1 - Workplace Ethics, Conduct and Compliance

Policy: Language added to communicate the expectation that through the ADP Self Service Portal, all employees are required, on an annual basis, to read and acknowledge directives that support the County's objective to establish and maintain secure and positive work environments.

Example #4. Added new protected classes to raise awareness and deter incidents of unethical behavior.

Example #5. Corrected misspelling.

References updated for accuracy.

Board of Supervisor Policy D 23.1 - Preventing, Identifying and Addressing Workplace Bullying

Purpose: Removes elected official because the term Appointing Authority includes Directors and Elected Officials.

III.B Language expanded to clearly align policy with practice.

Conclusion:

Recommendation:

That the Board of Supervisors approve the modifications to the BOS Polices as outlined above to become effective upon adoption.

Fiscal Impact:

None

Board of Supervisor District:

1 2 3 4 5 All

Department: Human Resources Telephone: 724-8672

Department Director Signature/Date: *M. Spri* 5/2/17

Deputy County Administrator Signature/Date: *John Bule* 5-25-17

County Administrator Signature/Date: *C. DeLaney* 5/30/17



PIMA COUNTY, ARIZONA BOARD OF SUPERVISORS POLICY

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Purpose:

The provisions of this policy and related procedures are intended to achieve fair, ethical and accountable local government for Pima County.

Policy:

It is the policy of the Board of Supervisors to attain a balance that encourages good conduct through effective leadership, clear and comprehensive standards, education and appropriate enforcement mechanisms.

All employees of Pima County shall maintain the highest ethical standards in the conduct of County business and avoid circumstances that may create an appearance of impropriety or cause members of the public to have a negative opinion of the County. While acting in their official capacities and in the discharge of their duties, County employees are expected to be professional, respectful, fair, unbiased, honest, civic-minded, service-oriented, and fiscally responsible at all times.

THROUGH THE ADP SELF SERVICE PORTAL EMPLOYEES SHALL, ON AN ANNUAL BASIS, READ AND ACKNOWLEDGE DIRECTIVES THAT SUPPORT THE COUNTY'S OBJECTIVE TO ESTABLISH AND MAINTAIN SECURE AND POSITIVE WORK ENVIRONMENTS FREE FROM ALL FORMS OF DISCRIMINATORY, HARASSING, HOSTILE, OFFENSIVE AND UNPROFESSIONAL CONDUCT.

Declaration:

Pima County will not tolerate any behavior in the workplace that constitutes unethical conduct or behavior as defined in this policy and related procedures.

Definitions:

Ethical workplace behavior is behavior based on a system of moral principles that conforms to the accepted standards of conduct of a society, organization and/or institution.

Unethical workplace behavior is conduct that does not conform to approved standards of professional behavior.



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Examples of Ethical Workplace Behavior:

1. Conducting yourself at work according to rules that you believe should apply to everyone rather than acting on rules that only apply to you and your value set;
2. Making decisions in the County's best interests and/or withdrawing yourself from the decision-making process when a decision puts your personal interests in competition with the interests of the County;
3. When a decision could benefit a large number of people as opposed to a small group of individuals, making a decision that favors the larger group;
4. Making work-related decisions on the basis of logic and facts, as opposed to emotion, bias or outside influence and avoiding making decisions on the basis of skin color, **SEX**, gender **EXPRESSION**, **GENDER IDENTITY**, social status, linguistic ability, sexual orientation, disabilities, etc.;
5. Understanding that the County ~~work force~~ **WORKFORCE** reflects society's diversity and requires tolerance of opinions and attitudes that differ from your own;
6. Respecting the efforts of co-workers, giving credit when merited, and avoiding claiming the achievements of others as your own;
7. Understanding that actions have consequences and considering the consequences of intended actions before taking them.

Reporting Procedure:

When an employee believes that he or she has witnessed or been made aware of unethical workplace behavior, the employee must report any and all incidents immediately to a supervisory level employee, to include his or her supervisor, division manager, appointing authority, elected official, the supervisor of the alleged perpetrator or to Human Resources Employment Rights directly.

Supervisory employees in receipt of allegations of unethical workplace behavior shall assess the severity of the conduct and determine whether Human Resources Employment Rights should be contacted. If the manager or supervisor is uncertain whether the severity of the conduct merits contacting Employment Rights, he or she should consult Employment Rights immediately.

Employees who believe they have witnessed or been made aware of unethical workplace behavior are not required to confront the alleged perpetrator of the behavior in question.

Non-retaliation

This policy prohibits retaliation against employees who report potentially unethical workplace behavior or participate in the investigation of the complaint. Any employee bringing a complaint



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under this policy, or assisting in the investigation of such a complaint, will not be adversely affected in terms and conditions of employment, nor discharged because of the complaint. Anyone who engages in retaliatory action will be subject to discipline, up to and including dismissal. Retaliation is defined as activity that may dissuade a reasonable person from exercising his or her obligations under this policy.

Confidentiality

To the extent feasible, information provided in the complaint and investigation process at both informal and formal levels will be treated as confidential. However, the County will disclose information if deemed reasonably necessary to investigate and take appropriate corrective action, or to defend such corrective action, and/or if required by law.

References:

- Merit System Rule 2 – General Provisions
- Merit System Rule 4 – Selection: Recruitment, Announcements, and Applications
- Personnel Policy 8-101 – Employment of Relatives
- Personnel Policy 8-111 – Outside Employment
- Personnel Policy 8-119 – Rules of Conduct
- ~~Board of Supervisors Policy C 3.10 – Computer Use~~
- ~~Board of Supervisors Policy C 3.12 – Electronic Mail (E-Mail)~~
- ~~Board of Supervisors Policy C 3.15 – Internet Access and Use~~
- Board of Supervisors Policy D 21.1 – Equal Employment Opportunity and Affirmative Action Policy
- Board of Supervisors Policy D 21.2 – Prevention of Sexual Harassment
- Board of Supervisors Policy D 21.3 – Prevention of Workplace Harassment
- Board of Supervisors Policy D 23.1 – Preventing, Identifying and Addressing Workplace Bullying
- BOARD OF SUPERVISORS POLICY D 27.1 – PIMA COUNTY INFORMATION TECHNOLOGY PROGRAM**
- ~~Board of Supervisors Policy D 29.2 – Pima County Procurement Policy~~
- Administrative Procedure 3-19 – County Employees – Gifts
- Administrative Procedure 3-26 – County Employees – Conflict of Interest
- Administrative Procedure 23-17 – Loyalty Oath
- ADMINISTRATIVE PROCEDURE 27-4 – INFORMATION TECHNOLOGY PROGRAM**



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ADMINISTRATIVE PROCEDURE 27-5 – ELECTRONIC MAIL (EMAIL) GOVERNANCE

Adopted Date: _____

Revised Date: _____

Effective Date: _____



PIMA COUNTY, ARIZONA
BOARD OF SUPERVISORS POLICY

Subject:

PREVENTING, IDENTIFYING AND ADDRESSING WORKPLACE BULLYING

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PURPOSE

This policy prohibits workplace bullying by and against Pima County employees, applicants for employment and others in the workplace environment, including members of the public. Bullying may be directed toward an employee by a manager, co-worker, subordinate, appointing authority, ~~elected official~~, vendor, contractor or member of the public. Bullying conduct may be challenged even if the complaining party is not the intended target of the conduct.

POLICY

It is the policy of Pima County to provide a secure work environment for all employees that is free from bullying.

I. DECLARATION

Pima County will not tolerate any behavior in the workplace that constitutes bullying activity as defined in this Policy. This Policy also applies to use of the County email systems, computers, internet access, or any other County electronic communication systems or devices to engage in bullying activity. Any employee violating this policy will be subject to disciplinary action, up to and including dismissal.

II. DEFINITION AND EXAMPLES

A. Definition

Workplace bullying is intentional behavior with the purpose of creating an abusive work environment for and/or by an employee or employees. Bullying is behavior in the workplace that a reasonable person would find hostile, offensive, and not obviously related to an employer's legitimate business interests.

B. Examples

Workplace bullying can include group bullying, peer to peer bullying, supervisor to subordinate bullying, and situations when a subordinate employee subjects a supervisory-level employee to bullying. Examples of prohibited conduct include, but are not necessarily limited to, the following:

1. BULLYING IN GENERAL

- a. Use of disrespectful and devaluing language.
- b. Repeated criticism in front of other persons (including co-workers, vendors, contractors or members of the public) for the purpose of humiliating another employee.
- c. Tampering with an employee's personal belongings or work equipment.

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- d. Invasions of privacy, such as spying, stalking, rummaging through personal belongings (including unauthorized access of personal email and contents of personal cell phones and employee-owned Personal Digital Assistants).
Note: an employee has no expectation of privacy in any items of personal equipment attached to County network devices.
- e. Attempting to exploit an employee's known psychological or physical vulnerability (which may also be a violation of the *Americans with Disabilities Act*).
- f. Behavior or language that frightens, humiliates, belittles or degrades, including criticism that is delivered with yelling and screaming.

2. BULLYING BY SUPERVISOR

- a. Making up arbitrary rules for or selectively applying rules to the targeted employee.
- b. Assigning undesirable work as punishment.
- c. Managing by threat and/or intimidation.
- d. Preventing appropriate or equal access to opportunities.
- e. Assigning tasks with unreasonable, impossible or constantly changing objectives and/or deadlines.
- f. Removing key areas of responsibility and/or replacing them with more trivial or unpleasant tasks for no business related reason.
- g. Denying access to necessary information, consultation, training, or resources.
- h. Withholding essential information or purposefully giving incorrect information.
- i. Repeatedly criticizing a subordinate employee's actions outside the scope of reasonable corrective and/or disciplinary efforts.

3. BULLYING BY CO-WORKERS (TO INCLUDE SUPERVISORS)

In addition to the behaviors listed in number 2 above:

- a. Using confidential information to humiliate privately or publicly.
- b. Withholding information that affects an employee's performance.
- c. Intimidating an employee through inappropriate personal comments, disparaging opinions or criticism with no basis in fact.
- d. Taking credit for another employee's work.
- e. Repeatedly belittling a co-worker (whether publicly or privately).

4. BULLYING BY SABOTAGE

- a. Falsely accusing an employee of making errors.
- b. Ensuring failure of an employee's project by not performing required tasks, such as sign-offs, taking calls, working with collaborators, etc.
- c. Undermining or deliberately impeding an employee's work.

5. BULLYING BY SHUNNING

- a. Isolating an employee from co-workers, in workplace social events or physically.
- b. Launching a campaign, which may or may not be based on facts, to provoke an employee to leave or be removed.
- c. Purposely excluding an employee from an essential meeting.
- d. Excluding employees from matters in which they would be expected to be included as part of the job.

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III. PROCEDURE

A. Reporting

1. *Targets:* When an employee believes that he or she is the target of behavior that may satisfy the definition of workplace bullying (as defined herein), the employee must report any and all incidents immediately to a supervisory level employee, to include his or her supervisor, division manager, appointing authority, elected official, the supervisor of the alleged bully, or to Human Resources Employment Rights. Employees who believe they are the target of bullying are not required to confront the alleged bully.
2. *Witnesses:* When an employee has witnessed or been made aware of behavior that he or she believes may satisfy the definition of workplace bullying (as defined herein), the employee must report any and all incidents immediately to his or her supervisor, division manager, appointing authority, elected official, the supervisor of the alleged bully, or to Human Resources Employment Rights.
3. *Supervisors:* When a supervisory level employee is notified about possible workplace bullying behavior (as defined herein), the supervisor must immediately notify Human Resources.
4. *Human Resources:* Employees always have the right to report potential bullying activity directly to Human Resources. For example, if the supervisory level employee fails to take immediate appropriate corrective action, or if circumstances are such that reporting the possible workplace bullying activity to a supervisory level employee is inappropriate, the employee shall report the bullying directly to Human Resources.

B. Investigation

ALL INCOMING WORKPLACE BULLYING CONCERNS ARE TREATED WITH EQUAL IMPORTANCE AND ARE SUBJECT TO A PRE-SCREENING PROCESS. HUMAN RESOURCES WILL ASSESS THE SERIOUSNESS OF EACH ALLEGATION AND, WHEN APPROPRIATE, MAY DETERMINE THAT THE INVESTIGATION OF THE ALLEGED BULLYING WOULD BEST BE CONDUCTED BY THE DEPARTMENT IN WHICH THE ALLEGATION AROSE. WHEN IT IS DETERMINED THAT THE ALLEGATION OF MISCONDUCT IS MORE EGREGIOUS IN NATURE, HUMAN RESOURCES WILL CONDUCT A THOROUGH AND IMPARTIAL INVESTIGATION OF THE REPORTED WORKPLACE BULLYING ACTIVITY. THE "REASONABLE PERSON" OR "REASONABLE VICTIM" STANDARD WILL BE APPLIED TO THE INVESTIGATIVE RECORD IN ALL INVESTIGATIONS.

1. DEPARTMENT

HUMAN RESOURCES SHALL NOTIFY THE APPOINTING AUTHORITY THAT THE WORKPLACE BULLYING CONCERNS BROUGHT FORWARD WOULD MORE APPROPRIATELY BE HANDLED WITHIN THE DEPARTMENT. THE APPOINTING AUTHORITY WILL ENSURE THAT DEPARTMENT PERSONNEL TASKED WITH CONDUCTING THE INVESTIGATION CONSULT AND SHARE THEIR FINDINGS WITH HUMAN RESOURCES PRIOR TO ISSUING A FINAL REPORT AND IMPOSING CORRECTIVE ACTION. AFTER CONSULTATION WITH HUMAN RESOURCES, THE APPOINTING AUTHORITY WILL ISSUE A FINAL DECISION AND NOTIFY THE ALLEGED TARGET(S) AND PERPETRATOR(S) OF THE OUTCOME OF THE INVESTIGATION PRIOR TO UNDERTAKING CORRECTIVE ACTION WHEN APPROPRIATE.

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2. HUMAN RESOURCES

When the alleged bullying consists of action taken by a supervisory-level employee against a subordinate employee, Human Resources may consider the “reasonable management action” defense if raised by the alleged aggressor or otherwise indicated by the facts. The elements of the defense are: (1) the conduct alleged to constitute bullying must be management action; (2) it is reasonable for the management action to be taken; and (3) the management action must be carried out in a reasonable manner. The evaluation of the defense will be based on an objective assessment of the management decision in the context of the circumstances and knowledge of persons involved

Human Resources may also determine whether the behavior may be more appropriately addressed as Workplace Violence under Board of Supervisors Policy D 23.11, or as Workplace Harassment under Board of Supervisors Policy D 21.3 or Sexual Harassment under Board of Supervisors Policy D 21.2.

Human Resources will prepare a report of its investigative findings and make recommendations to the County Administrator for further action. The County Administrator shall issue a final decision and notify the alleged target(s) and perpetrator(s) and the department(s) of the outcome of the investigation.

C. Corrective Action for Employees Found in Violation

1. The County Administrator will direct the department to refer the known perpetrator(s) to the Human Resources Training Officer for coaching or to the Employee Assistance Program (EAP) for counseling for more serious infractions.
2. Appointing Authorities will take appropriate corrective action with any employee(s) found to have violated this policy.
3. If necessary, any employees exhibiting emotional stress from the incident in question should be referred to EAP.

IV. MANDATORY COOPERATION

All employees, supervisors, managers, appointing authorities, and agents of Pima County Government shall cooperate with any investigative process or resolution, whether informal or formal. Any County employee who fails to cooperate and/or attempts to undermine and/or discourage participation in an investigation may be subject to discipline, up to and including dismissal. To enable the County to achieve the goals of this policy, Human Resources shall have access to all relevant and necessary information.

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V. NON-RETALIATION

Retaliation is defined as activity that may dissuade a reasonable person from exercising his or her rights under this policy.

This policy prohibits retaliation against employees who report potential workplace bullying or participate in the investigation of the complaint. Any employee bringing a complaint under this policy, or assisting in the investigation of such a complaint, will not be adversely affected in terms and conditions of employment, nor discharged because of the complaint. Anyone who engages in retaliatory action may be subject to discipline, up to and including dismissal.

VI. CONFIDENTIALITY

To the extent feasible, information provided in the complaint and investigation process at both informal and formal levels will be treated as confidential. However, the County will disclose information if deemed reasonably necessary to investigate and take appropriate corrective action, or to defend such corrective action, and/or if required by law.

Effective Date: April 16, 2013
 Revised Date: October 7, 2014
 Effective Date: October 7, 2014