



County Technical Assistance Service

Published on e-Li (<http://ctas-eli.ctas.tennessee.edu>)

June 02, 2020

Non-discrimination and Sexual Harassment Policies

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Non-discrimination and Sexual Harassment Policies

Reference Number: CTAS-1101

Under T.C.A. § 5-23-104, the county's personnel policies must include "policies on non-discrimination and sexual harassment, including a complaint procedure as required under the federal Americans with Disabilities Act, and guidelines to enable compliance with the fair hiring requirements of the federal equal employment opportunity laws and regulations."^[1]

These policies should include a general statement that the employer does not unlawfully discriminate in employment matters and that illegal discrimination in the workplace will not be tolerated. The policies also should provide some guidelines about hiring practices, such as whether job openings will be posted or advertised, how applications are accepted and any other measures to avoid any appearance of discrimination. Even though the statute only specifically addresses sexual harassment, it is recommended that the policies address all forms of illegal harassment since they are all forms of illegal discrimination. Finally, the policies should provide a statement advising employees what they should do if they believe they have been the subject of unlawful discrimination. Someone should be designated to receive complaints of perceived discrimination/harassment, and an alternate person should be designated in the event that the complainant for some reason feels uncomfortable talking with the first designee (for example, where the person designated to receive complaints is the alleged harasser, the employee should not be expected to make the complaint to him or her). For purposes of the Americans with Disabilities Act (ADA), the person also should be advised to see the county's ADA Coordinator if the problem is not resolved within the office. It is recommended for most counties that they NOT enact a detailed grievance procedure with hearings, findings and complicated processes that the county is not equipped to administer. The purpose of the complaint process is to provide a mechanism for the county to be aware of problems and to make an attempt to remedy the situation before it gets out of hand. All that is needed is the name of a few persons to whom problems should be brought. Choose someone with sound judgment and leave it up to that person to determine the best way to handle the situation. Do not make complicated procedures that cannot or will not be followed. Lawsuits often include allegations that the employer failed to follow its own policies. On the other hand, lawsuits can be based on the employer's failure to take timely and appropriate action once a complaint has been brought to their attention, so the employer should ensure that the person designated will take appropriate steps to resolve the problem.

[1] For employees of county judges, procedures administered by the administrative office of the courts for complaints under the Americans with Disabilities Act may be used, if available.

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