

Office of Human Resources  
State of Louisiana  
Division of Administration

JOHN BEL EDWARDS  
GOVERNOR



JAY DARDENNE  
COMMISSIONER OF ADMINISTRATION

**DIVISION OF ADMINISTRATION**

**PERSONNEL POLICY NO. 107**

**EFFECTIVE DATE:** July 16, 2018

**SUBJECT:** Policy Prohibiting Discrimination and Harassment

**AUTHORIZATION:**   
Barbara Goodson, Appointing Authority

**I. POLICY**

Employees of the State of Louisiana have an expectation and right to be treated with respect and dignity, and to work in a professional environment free of discrimination and harassment. Left unchecked, discrimination and harassment undermine the integrity of the employment relationship, debilitate morale, dedication, and loyalty, compromise equal employment opportunities, and significantly interfere with the mission of state government.

The Division of Administration (DOA) strictly prohibits discrimination and harassment on the basis of race, color, religion, sex, national origin, ethnicity, age, disability, pregnancy, military service, sickle cell trait, genetic information, political beliefs, and other non-merit factors.<sup>1</sup>

DOA strives to maintain a workplace that encourages mutual respect, promotes harmonious, productive working relationships, and avoids even the appearance of favoritism. To foster a work environment based on merit and inclusion, supervisors and managers are required to make business decisions that are objective, impartial, and not influenced by prohibited factors or personal bias.

Prevention and elimination of discrimination and harassment require the personal involvement and commitment of every DOA employee. Unless and until management is

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<sup>1</sup> This policy broadly addresses discrimination and harassment. Employees should also review DOA Personnel Policy No. 106, entitled "Policy Prohibiting Sexual Harassment", for a comprehensive understanding of the prohibitions against sexual harassment and sexually inappropriate behavior in the workplace.

apprised of its occurrence, corrective action to address such behavior cannot be taken. Through this policy and related training requirements, DOA seeks to reinforce its unyielding intolerance of discrimination and harassment, and encourage employees who experience, observe or are informed of such behavior to promptly initiate the reporting process set forth in this policy. Employees can be assured that DOA will objectively and thoroughly investigate reports; implement preventive measures to protect against recurrence; impose corrective action to address violations; and protect complainants and individuals involved in the investigative process from harassment, reprisal, and retaliation.

## **II. PURPOSE**

Through this policy, DOA seeks to:

- Unequivocally state intolerance for discrimination and harassment
- Identify the broad scope of such prohibited behavior
- Establish an effective, uniform reporting process
- Establish an effective, uniform investigative process
- Initiate prompt action to protect against recurrence of the prohibited behavior
- Ensure resolution that imposes appropriate corrective action
- Protect complainants and individuals involved in the investigative process from harassment, reprisal, or retaliation
- Respect confidentiality and the privacy rights of employees

This policy establishes a procedure to administratively report and address complaints of discrimination and harassment. It is not in any way intended to replace or supersede the statutory or regulatory rights regarding discrimination and harassment available to employees under federal and state law, including Title VII of the Civil Rights Act (42 U.S.C. § 2000e et seq.) and the Louisiana Employment Discrimination Law (La. R.S. 23:301 et seq.). Specific timelines and requisites of law apply to filing a complaint with the Equal Employment Opportunity Commission (EEOC) or the Louisiana Commission on Human Rights (LCHR).

## **III. APPLICABILITY**

This policy applies to all DOA employees regardless of position, status, or authority. This includes classified and unclassified employees, full-time, part-time, seasonal, and temporary employees. The prohibitions of this policy are equally applicable to appointing authorities, executive management, administrators, directors, managers, supervisors, staff, students, and interns.

In keeping with DOA's intention and duty to maintain a work environment free of discrimination and harassment, this policy also applies to non-employees, including visitors and individuals who transact business with DOA such as vendors, clients, consultants, contractors, and maintenance personnel. These non-employees are prohibited from engaging in the behavior prohibited by this policy, and also are protected from experiencing such behavior by DOA employees.

This policy applies not only to the customary workplace and work locations where DOA employees may be assigned, but also prohibits such behavior while traveling to a work location, at conferences, workshops, trainings, business trips, and business-related social events. Additionally, the behavior prohibited by this policy applies to off-duty, off-premises behavior which has an impact upon and relation back to the working relationship.

#### **IV. POSTINGS**

This policy is available for review by all employees at all times on DOA's website at: <http://www.doa.la.gov/Pages/ohr/Polices/Policies.aspx>. Notices related to workplace discrimination and harassment are conspicuously posted at DOA work locations throughout the state.

#### **V. EMPLOYEE RELATIONS DESIGNEE**

DOA recognizes that an employee experiencing harassment or discrimination may be reluctant to file a complaint. DOA has appointed an Employee Relations Designee within the Office of Human Resources to serve as a central point of contact. This individual has specialized training and expertise in handling employment concerns. DOA's Employee Relations Designee is:

Christina Cardona  
Division of Administration  
Claiborne Building, Suite 3-130  
P. O. Box 94095  
Baton Rouge, LA 70804  
(225) 342-6060 (voice)  
[Christina.Cardona@la.gov](mailto:Christina.Cardona@la.gov) (email)

This individual is available to discuss the content of this policy, answer questions related to the reporting process, receive complaints, and coordinate and conduct the investigative process. Generalized inquiries and questions regarding this policy will be maintained in strict confidence. In some instances, follow-up inquiries or initiation of the investigative process by the Employee Relations Designee may be required. Investigation may be necessary even when the employee desires to maintain anonymity, requests that no action be taken, or insists that a formal complaint not be lodged. In general, informal complaints or requests to delay investigation unless or until a future occurrence cannot be honored and will be treated the same as a formal complaint, thus triggering the investigative process.

In the event of the unavailability of the Employee Relations Designee, an employee needing assistance should contact DOA's Human Resources Director at the telephone number provided.



## **VI. TRAINING**

DOA recognizes that implementation of a policy prohibiting discrimination and harassment standing alone is insufficient to prevent and address such behavior. To support this policy and create a culture wherein employees willingly report concerns and lodge complaints, DOA requires all employees to successfully complete training on this policy upon hiring and on a continuing basis thereafter. At a minimum, DOA mandates the following training for its employees:

- Upon hiring, all new employees will be provided a copy and instructed to carefully review this policy. Within thirty (30) days of the hiring date, all new employees are required to meet with their hiring manager or other individual so designated to discuss any concerns or uncertainties regarding their responsibilities under this policy. The employee and hiring manager are required to sign the attached Acknowledgement and Certification to verify that this process has been successfully completed.

## **VII. PROHIBITED CONDUCT**

Discrimination is conduct which evidences bias, prejudice, dislike, or disfavor towards an individual or class of individuals based upon a prohibited, non-merit factor. Discrimination also includes conduct or decisions which evidence preference for or favoritism towards an individual or class of individuals based upon a prohibited, non-merit factor.

Harassment is deliberate, persistent conduct purposefully directed to an individual which inflicts emotional distress, unreasonably interferes with the individual's work performance, or intentionally creates an intimidating, hostile, or offensive work environment.

In general, discrimination and harassment may include epithets, slurs, name-calling, jokes, negative stereotyping, ostracism, physical conduct, and favoritism based upon a prohibited factor. Writings, pictures, caricatures, cartoons, and the like which degrade, demean, or otherwise show hostility towards an individual because of or based upon a prohibited factor constitute discrimination and harassment.

Particular forms of discrimination and harassment prohibited by this policy include harassment or discrimination based on:

- race
- color
- religion
- sex
- national origin
- ethnicity
- age
- disability
- pregnancy
- military service
- political beliefs
- sickle cell trait
- genetic information

Every employee, regardless of rank, status, or authority, may experience or engage in discriminatory or harassing behavior. Such behavior is prohibited, even when it fails to satisfy the standards of severity and pervasiveness required by law to prevail in a civil action.

Furthermore, decisions by supervisors and managers which impact the working relationship, such as hirings, firings, promotions, reallocations, salary determinations, job assignments, etc., must be based on business considerations and merit. Decisions that are wholly or only in part influenced by bias, prejudice, or other discriminatory motive are prohibited and especially contrary to DOA's efforts to promote a culture of equality and inclusion.

### **VIII. CONFRONTING THE ACCUSED**

An employee experiencing inappropriate or offensive behavior may choose to tell the offender to cease the behavior. Doing so may be sufficient to prevent recurrence. However, if the behavior continues, the concern should be reported promptly.

DOA recognizes that confronting an offender in this fashion can be discomfoting, especially in those situations in which the offender is within the employee's supervisory chain of command. Therefore, DOA does not require employees to do so, and certainly does not require that this be done before using the reporting procedure provided in this policy.

### **IX. REPORTING PROCEDURE**

Early reporting enhances the credibility of the complainant and facilitates the investigative process. Prompt initiation of the investigation enhances the ability to identify witnesses and preserve evidence, and protects against faltering memories occasioned by the passage of time. For these reasons, employees are encouraged to report such behavior as soon as possible, and discouraged from waiting to cumulate offenses or the recurrence "one more time" of the offensive behavior.

DOA does not require a fixed reporting time or deadline – the sooner, the better is preferred, and immediate reporting is the ideal. The initial report need only convey the occurrence of words or actions that are offensive and need not provide details. This report can be verbal (in person or via telephone) or in writing (letter, memo, email, text), and need not utilize a specific form. Most importantly, DOA does not require a rigid reporting protocol.

The report can be made to the employee's direct supervisor. However, if the complaint involves the supervisor or, regardless of reason, the employee prefers to not involve that supervisor, the report can be made to any supervisor or manager in DOA, or directly to the Employee Relations Designee. Supervisory personnel receiving a report of offensive behavior are required to immediately inform the Employee Relations Designee of the information provided.

Anonymous complaints are discouraged; however, if an anonymous complaint is submitted, it should contain as much detail as possible, including the names of the accused and all witnesses, the locations, dates, times, and description of all behaviors experienced, and any previous reports of similar behavior to management. Without this level of detail, the ability to conduct a thorough investigation may be impeded.

## **X. INVESTIGATION OF COMPLAINTS**

All reports and complaints of offensive behavior will be directed to the Employee Relations Designee who shall assess the information provided. Management personnel in a need-to-know capacity will be apprised of the complaint. An assessment of the preliminary information provided will be done to determine whether action should be taken to prevent further occurrence of the offensive behavior. For example, it may be appropriate to authorize leave or temporarily reassign personnel.

The investigation will be given priority and begin as soon as practicable. In most instances, it will be conducted by a designated team comprised of at least one representative of Human Resources, and others identified by management. This team approach permits the investigators to evaluate the information gathered during the investigative process from different perspectives, enhances objectivity, and ensures thoroughness.

The investigation generally will begin with an interview of the complainant who will be required to provide details to facilitate the investigative process, such as the behavior complained of, the date, time, and location of the occurrence, the identity of witnesses, and any writings, records, logs, recordings, pictures, or other documentation supporting the complaint. Individuals possessing relevant information will be interviewed. Once all available information has been evaluated, the accused will be interviewed.

All individuals called upon to participate in the investigation are required to fully cooperate and provide truthful responses. Employees, including the accused, do not have the option of remaining silent or declining to get involved. Those questioned may be required to prepare a written statement or provide a recorded statement. Employees are hereby informed that polygraph examinations may be employed as an investigative tool.

The investigation will be conducted expeditiously, professionally, and with due regard for the rights of all involved. Facts obtained will be evaluated using the "reasonable person" standard.

To the extent allowed by law, the investigation will be conducted in a confidential manner, with only those in a need-to-know position involved. To preserve the integrity of the investigative process, employees will be instructed that the complaint and all information provided during the interview are to remain confidential. Employees are prohibited from obstructing or interfering with the investigation, which includes questioning or confronting any individual participating in the investigation.



Upon completion of the investigation, the investigative team will apprise the appointing authority of the outcome and recommendations for resolution. Until a final decision is made, the investigative team will remain available to receive new information.

Employees must understand that despite the investigative team's best efforts and thoroughness of the investigative process, not all complaints can be substantiated. This does not indicate, however, that the complaint was contrived or made in bad faith. As such, employees are encouraged to file good faith complaints.

## **XI. COMPLAINT RESOLUTION**

Upon conclusion of the investigation, the complainant and accused will be apprised of the outcome. Management's decision is final and concludes DOA's internal administrative investigative process. Regardless of the outcome, the complainant has the option of pursuing a claim under state or federal law. Initiation of such a claim is not dependent upon the outcome nor completion of DOA's administrative investigation.

To initiate a claim under federal or state law, employees are referred to the Equal Employment Opportunity Commission and the Louisiana Commission on Human Rights:

EEOC District Office  
Hale Boggs Federal Building  
500 Poydras Street, Suite 809  
New Orleans, Louisiana 70130  
800-669-4000 (Voice)  
504-589-2958 (TDD)  
504-595-2844 (Fax)  
<https://www.eeoc.gov/>

LCHR  
1001 N. 23<sup>rd</sup> Street, Suite 268  
Post Office Box 94094  
Baton Rouge, Louisiana 70804  
225-342-6969 (Voice)  
888-241-0859 (TDD)  
225-342-2063 (Fax)  
<http://gov/page/lchr>

Given the wide range of behaviors prohibited by this policy, the resolution decided upon by executive management will be determined by a number of factors. Most notably, the nature, circumstances, frequency, and severity of the behavior, and whether the behavior recurs after having been previously addressed, will heavily influence the action to be taken. Complainants can be assured that any employee found, after investigation, to have engaged in discrimination or harassment will be subject to corrective action. This may include counseling, reprimand, suspension, reduction in pay, demotion, or dismissal. In conjunction with such corrective actions, other appropriate measures, including additional training, relocation, reassignment, job restructuring, etc., may be utilized to protect against recurrence of the inappropriate behavior.

## **XII. NON-RETALIATION AND FOLLOW-UP**

Resolution of the complaint via imposition of corrective or other action does not conclude the complaint process. DOA maintains an affirmative duty to protect its employees from harassment, reprisal, or retaliation. This protection extends to any employee making a good faith complaint of inappropriate or offensive behavior, as well as those individuals

providing information or participating in the investigative process. Employees can be assured that if a complaint is made and an investigation reveals that harassment, retaliation or reprisal has occurred, severe disciplinary action will be imposed.

To ensure this protection, the Employee Relations Designee will follow-up with the complainant to determine whether there has been a recurrence of the behavior complained of or the complainant has suffered any adverse consequence for having filed a complaint. Such follow-up will occur at periodic intervals. The follow-up inquiries will seek to address readily identifiable repercussions such as a disciplinary action, poor performance evaluation, etc., as well as subtler forms of reprisal such as ostracism, avoidance, non-inclusion, etc.

### **XIII. RESPONSIBILITY**

It is the responsibility of all employees, regardless of rank, status or authority, to ensure compliance with this policy. Employees must realize that reporting the behavior prohibited by this policy is mandatory. Complaints must be truthful and made in good faith. Cooperative participation and candor in the investigative process are mandatory.

### **XIV. VIOLATIONS**

Given the devastating impact that discrimination and harassment have on working relationships, DOA will aggressively address violations of this policy. After investigation and satisfaction of due process requirements, corrective action may be imposed for the following:

- Failure to comply with mandatory training requirements
- Failure by supervisory personnel to timely report a complaint of discrimination or harassment
- Failure to participate or cooperate in the investigative process
- Providing false or withholding information during the investigative process
- Filing a false, malicious, or frivolous complaint
- Harassment, reprisal, or retaliation towards a complainant or anyone involved in the investigative process

### **XV. EXCEPTIONS**

Exceptions or deviations from the provisions of this policy require the express approval of the Commissioner of Administration.

### **XVI. QUESTIONS**

Questions, comments, or concerns regarding this policy should be addressed to DOA's Employee Relations Designee.



**DIVISION OF ADMINISTRATION  
POLICY PROHIBITING DISCRIMINATION AND HARASSMENT**

**ACKNOWLEDGEMENT AND CERTIFICATION**

My signature hereon acknowledges that:

- 1) I received a copy of DOA's Policy Prohibiting Discrimination and Harassment;
- 2) I read this Policy;
- 3) I understand the content of this Policy;
- 4) I agree to abide by the terms and provisions of this Policy;
- 5) I understand that compliance with this Policy is a condition of employment; and
- 6) I understand that disciplinary action, including the possibility of dismissal, will be imposed on those who violate the terms and provisions of this Policy.

\_\_\_\_\_  
**EMPLOYEE SIGNATURE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**EMPLOYEE NAME (PRINT)**

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**MANAGEMENT CERTIFICATION**

My signature hereon acknowledges that:

- 1) I personally discussed in detail DOA's Policy Prohibiting Discrimination and Harassment with the employee identified above;
- 2) I answered this employee's questions regarding this Policy;
- 3) I informed the employee of the consequences of violating this Policy.

\_\_\_\_\_  
**MANAGER SIGNATURE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**MANAGER NAME (PRINT)**