

Unlawful Workplace Harassment Policy

Policy No NC General Assembly employee may engage in unlawful workplace harassment or retaliate against employees who report or oppose unlawful workplace harassment. All employees are guaranteed the right to work in an environment free from unlawful workplace harassment and retaliation.

Covered Employees This policy applies to all full time and part time permanent employees.

Definitions **Hostile Work Environment** – one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee’s work performance.

Unlawful Workplace Harassment – unwelcome speech or conduct based upon race, sex, creed, religion, national origin, age, genetic information, color, or handicapping condition as defined by G. S. 168A-3 that creates a hostile work environment. Unlawful workplace harassment includes permitting or allowing to continue unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or (2) submission to or rejection of such conduct by an individual issued as the basis for employment decisions affecting such individual.

Retaliation – adverse treatment taken because of opposition to unlawful workplace harassment.

Appeals Process Misunderstandings or conflicts can arise in any organization. To ensure effective working relationships, it is important that such matters be resolved before serious problems develop. If unlawful workplace harassment occurs, employees should follow the following procedures for bringing the complaint to management’s attention.

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Unlawful Workplace Harassment Policy, Continued

Appeals Process for Employees within the House of Representatives:

Step	Action
1	<ul style="list-style-type: none"> • Discuss the problem with your immediate supervisor within 30 calendar days of the alleged harassing action. • If a discussion with your supervisor is not appropriate or if the problem cannot be resolved by your supervisor, the complainant may wish to initiate a Step 2 appeal.
2	<ul style="list-style-type: none"> • Request a meeting with the Speaker of the House or his designee. • Provide a written statement of the issues/facts on which the complaint is based. An Unlawful Workplace Harassment Complaint Filing Form is attached. • In an effort to resolve the problem, the facts will be reviewed by the Speaker for final determination. • The Speaker shall make a final written determination within 20 calendar days of the meeting with the Speaker or his designee. If a longer timeline is needed, the complainant will be notified. • The Speaker shall constitute the final decision.

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Unlawful Workplace Harassment Policy, Continued

Appeals Process for Employees within the Senate:

Step	Action
1	<ul style="list-style-type: none"> • Discuss the problem with your immediate supervisor within 30 calendar days of the alleged harassing action. • If a discussion with your supervisor is not appropriate or if the problem cannot be resolved by your supervisor, the complainant may wish to initiate a Step 2 appeal.
2	<ul style="list-style-type: none"> • Request a meeting with the President ProTempore or his designee. • Provide a written statement of the issues/facts on which the complaint is based. An Unlawful Workplace Harassment Complaint Filing Form is attached. • In an effort to resolve the problem, the facts will be reviewed by the President Pro Tempore for final determination. • The President ProTempore shall make a final written determination within 20 calendar days of the meeting with the President ProTempore or his designee. If a longer timeline is needed, the complainant will be notified. • The President ProTempore shall constitute the final decision.

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Unlawful Workplace Harassment Policy, Continued

Appeals Process for Legislative Services Office Central Staff:

Step	Action
1	<ul style="list-style-type: none"> • Discuss the problem with your immediate supervisor within 30 calendar days of the alleged harassing action. • Supervisor must respond in writing to the complainant within 10 days. • If the problem cannot be resolved by your supervisor, the complainant may wish to initiate a Step 2 appeal. • If a discussion with your supervisor is not appropriate discuss the problem with your division director within 30 calendar days of the alleged harassing action. If a discussion with your division director is not appropriate, discuss the problem with the Legislative Services Officer within 30 calendar days of the alleged harassing action. • If the problem cannot be resolved by your supervisor, the complainant may wish to initiate a Step 2 appeal.
2	<ul style="list-style-type: none"> • Request a meeting with your Division Director within 5 days of receipt of a written response from the supervisor. • Provide a statement of the issues/facts on which the complaint is based to the Division Director. An Unlawful Workplace Harassment Complaint Filing Form is attached. • In an effort to resolve the problem, the Division Director will consider the facts and may seek assistance from the Personnel Officer in conducting an investigation. • The Division Director will respond within 20 calendar days. If a longer timeline is needed, the complainant will be notified. • If the problem is not resolved following discussion with the Division Director, the complainant may wish to initiate a Step 3 appeal.

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Step	Action
3	<ul style="list-style-type: none"> • Request a meeting with the Legislative Services Officer within 5 days of receipt of written documentation from the Division Director. • Provide a statement of the issues/facts on which the complaint is based along with the supervisor and/or Division Director’s response to the Legislative Services Officer. An Unlawful Workplace Harassment Complaint Filing Form is attached. • After a full examination of the facts (which will include a review of the written summary of the complainant’s statement, discussions with all individuals concerned, and a further investigation if necessary), the Legislative Services Officer shall make a written finding on the validity of the complaint. If the complaint is without merit, the Legislative Services Officer shall dismiss the complaint. • If the Legislative Services Officer determines that unlawful workplace harassment has occurred, the Legislative Services Officer shall take appropriate action. • The Legislative Services Officer will give a decision to the complainant and Division Director within 20 days. If a longer timeline is needed, the complainant will be notified. • If the decision is not acceptable to either party, either party can initiate a Step 4 complaint.

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Unlawful Workplace Harassment Policy, Continued

Step	Action
4	<ul style="list-style-type: none"> • Complete the Unlawful Workplace Harassment Complaint Filing Form along with any supporting documentation and submit it to the Legislative Services Officer within 5 working days of receipt of the Legislative Services Officer’s decision. • The Legislative Services Officer will conduct further investigation, if necessary, and will provide all the documentation and present the concern to the Legislative Services Commission Personnel Subcommittee. • The Personnel Subcommittee shall review and make further investigation of the complaint as it deems appropriate. • The decision of the Personnel Subcommittee shall be in writing and shall constitute a final decision, unless modified by the Legislative Services Commission within 10 calendar days of the Personnel Subcommittee’s decision. Any modifications of the Personnel Subcommittee’s decision by the Legislative Services Commission shall constitute the final decision. • The complainant and his/her Division Director will be notified in writing within 30 days. If a longer timeline is needed, the complainant and the Division Director will be notified.

**Unlawful Workplace Harassment
Complaint Filing Form**

House Staff <input type="checkbox"/> Step 1 Discussion Between Employee & Immediate Supervisor <input type="checkbox"/> Step 2 Discussion Between Employee & House Speaker / Designee	Senate Staff <input type="checkbox"/> Step 1 Discussion Between Employee & Immediate Supervisor <input type="checkbox"/> Step 2 Discussion Between Employee & Senate President Pro Tempore / Designee
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Legislative Services Staff <input type="checkbox"/> Step 1 Discussion Between Employee & Immediate Supervisor <input type="checkbox"/> Step 2 Discussion Between Employee & Division Director <input type="checkbox"/> Step 3 Written Summary Submitted to Legislative Services Officer <input type="checkbox"/> Step 4 Written Statement to Legislative Services Officer to Have Complaint Heard by the Legislative Services Commission

1. Employee's Name: _____

First
Middle
Last
2. Home Address: _____

Street

City
State
Zip Code
3. Home Telephone Number: _____

Area Code
Telephone Number
4. Business Telephone Number: _____
5. Division: _____ Work Unit: _____
6. Provide a brief statement of the issues/facts on which the complaint is based (please attach an additional sheet if necessary):

7. Describe the relief desired (please attach an additional sheet if necessary):

Complainant's Signature: _____ Date: _____

Received by: _____ Date Received: _____