

MENDOCINO COUNTY POLICY #TBD	ABUSIVE CONDUCT
ADOPTED: TBD	ADOPTED BY: Minute Order

Mendocino County is committed to providing a courteous and professional work environment. Every County employee and other individuals with County business (such as temporary workers, consultants, independent contractors, volunteers and visitors) shall not be subject to Abusive Conduct in the workplace, including offsite Abusive Conduct related to the workplace.

Mendocino County will not tolerate Abusive Conduct committed by any County employees, including supervisors, managers, executives, and County elected officials.

The County will take reasonable corrective action to address violations of this policy. County employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

A. DEFINITION

For purposes of this policy, Abusive Conduct is defined by California Government Code § 12950.1 as:

[C]onduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

Such conduct can also occur via use of electronic or telephonic communications such as the internet, email and chatrooms, text messaging or calls, or cameras and video equipment.

1. Examples that may constitute or contribute to evidence of Abusive Conduct in the workplace include but are not limited to:
 - Persistent singling out of one person.
 - Shouting or raising one's voice at an individual in public or in private.
 - Using obscene or intimidating gestures.
 - Not allowing the person to speak or express themselves repeatedly (i.e., ignoring or interrupting).
 - Personal insults and use of offensive nicknames.
 - Public humiliation in any form.
 - Constant criticism on matters unrelated or minimally related to the person's job performance or description.
 - Public reprimands.
 - Repeatedly accusing someone of errors that cannot be substantiated.
 - Deliberately interfering with mail and other communications.
 - Spreading rumors and gossip regarding individuals.
 - Encouraging others to disregard a supervisor's lawful instructions.
 - Manipulating the ability of an employee to do their work (e.g., unreasonably overloading beyond normal work duties, underloading, withholding

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information, setting deadlines that cannot be met, giving deliberately ambiguous instructions).

- Assigning menial tasks not in keeping with the normal responsibilities of the job.
- Falsely taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an employee or isolating them from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

2. The following actions related to the County's legitimate business interests do not constitute Abusive Conduct:

- Disciplinary or administrative actions based on employee performance or misconduct;
- Developmental, critical, performance-related feedback;
- Reasonable work assignments or job reassignments; and/or
- Reasonable differences in styles of management, communication, expression, or opinion.

B. Abusive Conduct vs. Hostile Work Environment Harassment

Abusive Conduct may also qualify as "Hostile Work Environment Harassment." Hostile Work Environment Harassment falls under the broader legal category of workplace discrimination and is illegal on federal and state levels and prohibited by Mendocino County Policy #23 *Harassment* and Policy #10 *Equal Opportunity Employment*.

To qualify as "Hostile Work Environment Harassment," the Abusive Conduct must be targeted towards an individual or group on the basis of their Race, National Origin or Ethnicity, Color, Sex, Religion or Creed, Gender Identity, Sexual Orientation, Marital Status, Status as a person with a Disability, and other "protected classifications" as identified by State and Federal Law, and must meet the additional requirements stated in Mendocino County Policy #23 *Harassment*.

If the Abusive Conduct is based on one or more "protected classifications," outlined in Mendocino County Policy # 23, *Harassment*, and/or Policy # 10 *Equal Employment Opportunity*, those policies will apply.

For more information regarding the County's policies that prohibit discrimination and procedures, refer to Mendocino County Policy #23 *Harassment* and Policy #10 *Equal Opportunity Employment* or contact County Human Resources.

As stated in Mendocino County Policies #10 and #23, an employee has the right to report Hostile Work Environment Harassment or prohibited Discrimination to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Civil Rights Department (formerly the Department of Fair Employment and Housing). These administrative agencies offer legal remedies and a complaint process, and can be contacted on the internet at EEOC.gov or calcivilrights.ca.gov.

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C. Retaliation Prohibited

Mendocino County strictly prohibits retaliation against any individual who, in good faith, reports Abusive Conduct or participates in an investigation related to a reported concern or complaint of Abusive Conduct.

D. Complaint Procedure

Any individuals who believe that they are being or have been subjected to Abusive Conduct, or retaliation for reporting Abusive Conduct, should immediately report this to their supervisor, department head, or County Human Resources.

In addition, any person who believes they have witnessed Abusive Conduct or retaliation for reporting Abusive Conduct, and any person who has received a report of such conduct, should immediately report the conduct to their supervisor, department head, or County Human Resources.

Any supervisor, manager, or administrator who receives a complaint, is informed, has witnessed, or in good faith believes that a County employee has been subjected to Abusive Conduct, or retaliation for reporting Abusive Conduct, must promptly report the information to the Human Resources Director. Employees who, in good faith, are concerned about or who wish to report Abusive Conduct, may contact HR directly without consequence.

County Human Resources is authorized to review all complaints and incidents of Abusive Conduct and complaints of retaliation for reporting Abusive Conduct, conduct investigations as appropriate, and take reasonable corrective action to address such conduct. If the Human Resources Director is accused, or a witness to the events at issue, an individual with higher authority will have this authority.

Although workplace civility is essential to an efficient and healthful working environment, the County recognizes that a variety of good faith employment actions may nonetheless be viewed negatively by the employee who is subject to the action. This Policy cannot and does not prohibit or impede supervisors from taking good faith employment actions.