

**County Policy**

Subject:	Abusive Conduct Prevention Policy
Authority:	County Executive Office: Signature_____
Policy Owner:	Human Resource Services: Signature_____
Approval Date:	TBD
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A. Purpose

The County of Orange is committed to promoting and maintaining a professional working environment where all individuals are treated with courtesy and respect. All employees, interns, and volunteers are expected to work with integrity, utilize good judgment, and respect the dignity, worth, equality, and diversity of others in the workplace.

B. Scope

This Policy is applicable to all County Departments and their employees, interns, and volunteers.

C. Prohibited Abusive Conduct & Retaliation***Abusive Conduct:***

It is prohibited for any County employee, intern, or volunteer to engage in Abusive Conduct towards other employees, interns, volunteers, applicants, vendors, clients, contractors, or members of the public.

Abusive Conduct means conduct in or in connection with 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 the use of derogatory remarks, insults, and epithets; verbal, or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or the purposeful sabotage or undermining of a person's work performance. Abusive conduct can take many forms, and may occur in different settings, including through electronic communication or messages, also known as "cyber bullying."

A single act shall not constitute Abusive Conduct, unless it is severe and egregious. Abusive conduct does not include exercising reasonable and appropriate supervision or performance management of employees.

If the Abusive Conduct is based on or implicates an individual's protected characteristic(s), the County's *Equal Employment Opportunity and Anti-Harassment (EEO) Policy* will apply.

**County Policy****Examples:**

Examples of Abusive Conduct may include, but are not limited to:

- Spreading false information and/or rumors about another
- Persistent or egregious use of insulting, belittling, or offensive language
- Behavior, language, or gestures that frighten, humiliate, or degrade, including criticism that is delivered with yelling, screaming, threats, or insults
- Encouraging others to act, singly or in a group, to intimidate or harass other individuals
- Repeated inappropriate comments about a person's appearance, lifestyle, or family
- Regularly making someone the target of pranks or practical jokes
- Inappropriately interfering with a person's property or work equipment
- Circulating without permission inappropriate photos, videos, or information via e-mail, social media, or other means
- Making unwanted physical contact in a way that would cause discomfort and unease (and does not constitute sexual harassment subject to the County's *EEO Policy*)
- Repeatedly calling someone a humiliating nickname

Examples that do not constitute Abusive Conduct include, but are not limited to:

- Supervisory actions such as
 - Providing performance appraisals, even if negative
 - Constructive criticism, coaching, or counseling
 - Scheduling regular or ongoing meetings to address performance issues
 - Corrective action for performance or misconduct, which can include formal discipline such as a written reprimand, reduction, suspension, or discharge
- Having a disagreement with someone
- Differences in working styles
- Making unpopular statements or expressing a difference of opinion

Retaliation:

It is prohibited by this policy to retaliate against an individual for reporting Abusive Conduct or participating in an investigation of Abusive Conduct. Retaliation is an adverse action that would be likely to discourage a reasonable person from reporting Abusive Conduct or participating in an investigation of Abusive Conduct, and includes but is not limited to threats, intimidation, and coercion.

**County Policy****D. Reporting Abusive Conduct**

Any individual subject to this Policy who is the victim of Abusive Conduct or observes Abusive Conduct towards others is encouraged to report it to their supervisor, manager, or human resources personnel.

Any employee alleging Abusive Conduct by their supervisor or manager is strongly encouraged to report the concern directly to their human resources representative.

Supervisors and managers are responsible for promptly responding to and reporting Abusive Conduct. Once a supervisor or manager receives an allegation of Abusive Conduct or observes conduct that may be abusive in nature, they must immediately report the allegation to their Agency/Department human resources team.

While the County will not tolerate retaliation against anyone who has made a good faith-complaint, employees, interns and volunteers are prohibited from making reports that are knowingly and intentionally false.

E. Responding to Abusive Conduct Allegations

The County takes allegations of Abusive Conduct seriously. Complaints of Abusive Conduct will be subject to investigation, and appropriate remedial action will be taken where necessary.

Failure to comply with the provisions of this Policy may result in discipline, up to and including discharge from County employment, or the termination of intern or volunteer status with the County.