



Sexual Harassment Policy

Policy Number:	
Department:	Administrative
Content:	Priority Health Care Policy on Sexual Harassment in the Workplace
Effective Date:	1/1/2021
Last Revision Date:	Click or tap to enter a date.

1 NOTICE OF PERSONAL LIABILITY

Louisiana law requires government agencies to develop and implement policies and related training to prevent sexual harassment in the workplace. The prohibitions and requirements within these policies apply to all public servants – employees, appointees, and elected officials.

Louisiana’s taxpayers have been financially burdened by judgments and settlements arising from claims of workplace sexual harassment. To reduce this impact, La. R. S. 42:351, enacted in the 2019 Regular Session (Act No. 43), declares that consideration be given to requiring that a public servant, determined to have engaged in sexually inappropriate behavior, personally reimburse all or a portion of any judgment or settlement resulting from such behavior. La. R. S. 42:353 sets forth the process and factors to be considered in making this determination and authorizes the Attorney General to file suit against a public servant to enforce the state’s right to reimbursement and indemnification.

This notice of potential personal liability contained in this policy is disseminated to every newly hired Priority Health Care employee. This notice is also disseminated, on an annual basis, to all current employees of Priority Health Care through review of this policy. Reference to this potential personal liability also is included in the mandatory annual CPTP training on sexual harassment available through LEO. (See Section VII of this policy – Training).

2 STATEMENT OF 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 sexual harassment. To accomplish this, Priority Health Care prohibits and will not tolerate sexual harassment or any behavior of a sexual nature that intimidates, exploits, insults, demeans, disrespects, or embarrasses any Priority Health Care employee.¹

Prevention and elimination of sexually inappropriate behavior requires the personal involvement and commitment of every Priority Health Care employee. Through this policy and related training requirements, Priority Health Care encourages employees who experience, observe, or are informed of such behavior to promptly initiate the reporting process set forth in this policy. Employees may be assured that Priority Health Care will objectively and thoroughly investigate reports; implement preventive measures to protect against recurrence; impose corrective action to address substantiated violations; and protect complainants and employees involved in the investigative process from any form of harassment, reprisal, or retaliation.

3 PURPOSE

Through this policy and the mandatory training required of all employees, Priority Health Care seeks to:

- Unequivocally state intolerance for sexually inappropriate behavior
- Identify the broad scope of such prohibited behavior
- Establish an effective, uniform reporting process
- Establish an effective, uniform investigative process
- Trigger prompt action to protect against recurrence of the prohibited behavior
- Ensure resolution that imposes appropriate corrective action
- Protect complainants and employees 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 sexually inappropriate behavior. It is not in any way intended to replace or supersede the statutory or regulatory rights regarding sexual 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).

4 APPLICABILITY

- A. This policy applies to all Priority Health Care 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 (both statutory and delegated), executive management, administrators, directors, managers, supervisors, staff, students, and interns.
- B. This policy applies not only to the customary workplace and work locations where Priority Health Care 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 that impacts the workplace.
- C. Third-party sexual harassment - Sexual harassment complaints against non-Priority Health Care employees will be referred to the appropriate authorities and/or handled as Priority Health Care management deems appropriate.

5 POSTINGS

This policy is always available for review by all employees on Priority Health Care's website at: <http://www.priorityhealthcare.org>. Notices related to workplace harassment and discrimination are conspicuously posted at Priority Health Care work locations.

6 EMPLOYEE RELATIONS DESIGNEE

Sexual harassment complaints will be handled within the Office of Human Resources by the Human Resources Director or designee. Human Resources Directors and their designees are located at the following location:

4700 Wichers Drive, Suite 306 Marrero, LA 70072-3054

The Human Resources Director or designee is available to discuss the content of this policy, answer questions related to the reporting process, receive complaints, and coordinate the investigative process.

7 TRAINING

To support this policy, Priority Health Care requires all employees to successfully complete training on this policy upon hiring and on a continuing basis thereafter. At a minimum, Priority Health Care mandates the following training for its employees:

- Upon hiring, all new employees will be provided with a copy of this policy and instructed to carefully review it.
- All current employees are required to review this policy annually.
- Within ninety (90) days of the hiring date, all new employees are required to complete training on sexual harassment. Certification of successful completion will be documented.
- All employees, on an annual basis thereafter, are required to complete training on sexual harassment. Certification of successful completion will be documented.
- Supervisors and any persons designated by the agency to accept or investigate a sexual harassment complaint are required to complete training on sexual harassment for supervisors on an annual basis. Certification of successful completion will be documented.

8 PROHIBITED CONDUCT

- A. Unwelcome sexual advances, requests for sexual favors and other verbal, physical or inappropriate conduct of a sexual nature constitute sexual harassment when the conduct explicitly or implicitly affects an employee's employment, unreasonably interferes with an employee's work performance, or creates an intimidating, hostile or offensive work environment. Sexual harassment shall not be tolerated.
- B. Prohibited conduct relative to sexual harassment includes but is not limited to the following:
 1. Unwelcome physical contact, including touching on any part of the body, kissing, hugging, or standing close enough to make another person uncomfortable;
 2. Requests for sexual favors either directly or indirectly (for example, requiring a subordinate employee to go out to lunch or to have a drink may be perceived as a request for sexual favors under some circumstances, especially if the conduct has no business purpose);
 3. Requiring sexual favors as a condition of employment, obtaining a raise, obtaining new duties, a better office, or any type of advancement in the workplace;
 4. Threatening dismissal or unfairly evaluating performance in retaliation for rejection of sexual advances;
 5. Sexual flirtations, advances, or propositions;
 6. Graphic comments about an individual's body;
 7. Sexually degrading words to describe an individual;
 8. The display in the workplace of sexually suggestive objects, pictures, or writings; or,
 9. Other harassment that could rise to the level of sexual harassment.

9 REPORTING PROCEDURE

- A. An employee experiencing unwelcome behavior may choose to tell the offender to cease the behavior. Doing so may be sufficient to prevent recurrence. Priority Health Care 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. However, if the behavior continues, the concern should be reported promptly.
- B. In order that complaints may be investigated timely and effectively, employees are strongly encouraged to report sexual harassment as soon as possible. Priority Health Care does not impose a deadline for reporting sexual harassment, but immediate reporting is ideal.
- C. 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). Priority Health Care does not require that the employee use a specific form or adhere to a rigid reporting protocol.
- D. The report may be made to the employee's direct supervisor. However, regardless of reason, if the employee prefers to not involve his or her supervisor, the report may be made to any supervisor or manager in Priority Health Care, or directly to the Human Resources Director or designee. Supervisory personnel receiving a report of sexually inappropriate behavior are required to immediately inform the Human Resources Director or designee of the information provided. Non-supervisory personnel receiving a report of sexually inappropriate behavior (such as from a co-worker) are strongly encouraged to report the behavior to any supervisor or to the Human Resources Director or designee.
- E. 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.

10 INVESTIGATION OF COMPLAINTS

- A. Human Resources Director or designee - All reports and complaints of sexually inappropriate behavior will be directed to the Human Resources Director or designee who shall assess the information provided. The investigation will be conducted expeditiously, professionally, and with due regard for the rights of all involved. To the extent allowed by law, the investigation will be conducted in a confidential manner. 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 employee participating in the investigation.
- B. Preliminary assessment - The Human Resources Director or designee, in consultation legal counsel, shall conduct a preliminary assessment of the information provided 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 appropriate appointing authority will be apprised of the general nature of the complaint and any preliminary action to be taken with the utmost confidentiality.
- C. Interviews - The investigation may 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. Other employees possessing relevant information may also be interviewed.
- D. Participant responsibilities - All employees called upon to participate in the investigation are required to fully cooperate and provide truthful responses. Employees 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.

- E. Report and recommendations - Upon completion of the investigation, the Human Resources Director or designee, in consultation with Bureau of Legal Services staff, will report whether the complaint of sexual harassment is substantiated or unsubstantiated to the appropriate appointing authority and provide recommendations for resolution.
- F. Management decision - Complainants may be assured that any employee found, after investigation, to have engaged in sexual harassment or other inappropriate behavior of a sexual nature will be subject to corrective action. Corrective actions may include counseling, reprimand, suspension, reduction in pay, demotion, or dismissal. If dismissal is recommended, the matter must be referred to Priority Health Care's executive staff before final action is taken.
- G. In conjunction with such corrective actions, other appropriate measures, including additional training, relocation, reassignment, job restructuring, etc., may also be utilized to protect against the recurrence of inappropriate behavior.
- H. Unsubstantiated good faith complaints - Employees must understand that despite the 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 without regard for the ultimate outcome.

11 COMPLAINT RESOLUTION

Upon conclusion of the investigation, the complainant and accused will be apprised of whether the complaint was substantiated or unsubstantiated. Management's decision is final and concludes Priority Health Care'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 Priority Health Care'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. 23rd 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>

12 RETALIATION STRICTLY PROHIBITED

Priority Health Care 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 sexually inappropriate behavior, as well as those employees providing information or participating in the investigative process. If a complaint of retaliation is made and an investigation reveals that harassment, retaliation or reprisal has occurred, the offender shall receive corrective action, or disciplinary action shall be imposed up to and including dismissal.

13 RESPONSIBILITY

It is the responsibility of all employees to ensure compliance with this policy. Complaints must be truthful and made in good faith. Cooperative participation and candor in the investigative process are mandatory.

14 VIOLATIONS

Priority Health Care will aggressively address violations of this policy. After investigation and satisfaction of due process requirements, corrective action, including disciplinary action up to and including termination, may be imposed for the following actions, including but not limited to:

- Failure to comply with mandatory training requirements
- Failure by a supervisor or manager to timely transmit a reported complaint of sexually inappropriate behavior
- Failure to participate or cooperate in the investigative process
- Providing false or withholding information during questioning
- Filing a false, malicious, or frivolous complaint
- Harassment, reprisal, or retaliation towards a complainant or anyone involved in the investigative process

15 EXCEPTIONS

Exceptions or deviations from the provisions of this policy require the express approval of the Priority Health Care Secretary.

16 QUESTIONS

Questions, comments, or concerns regarding this policy should be addressed to Priority Health Care's Human Resources Director or designee.