



## Unlawful Harassment

### Administrative Procedures

HS/EHS/State

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NCS is committed to providing a work environment free of harassment and discrimination. NCS maintains a strict policy prohibiting all forms of unlawful harassment, including sexual harassment and harassment based on race (including traits historically associated with race, including but not limited to hair texture and protective hairstyles, such as braids, locks and twists), color, religion, religious creed (including religious dress and grooming practices), color, national origin, ancestry, physical disability, mental disability, medical condition (including cancer and genetic characteristics), legally protected genetic information, marital or domestic partner status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), sex stereotype, transgender status, gender, gender identity, gender expression, age over 40, sexual orientation, family care status, protected medical leave status, domestic violence victim status, political affiliation, military caregiver status, or military and veteran status of any person or on any other characteristic protected by federal, state or local law.

NCS's anti-harassment policy applies to all agents and employees of NCS, including co-workers, supervisors and managers, as well as any individuals or third parties that an employee comes in contact within the course of employment with NCS.

This Policy of Harassment complement NCS's Equal Employment Opportunity Policy and any worker or supervisor training provided by NCS.

- 1) **Prohibited harassment includes, but is not limited to, the following behavior:**
  - a) **Verbal conduct** such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
  - a) **Visual conduct** such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, or gestures;
  - b) **Physical conduct** such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race, or any other protected basis;
  - c) **Use of computers**, including the internet and the e-mail system, to transmit, communicate, or retrieve sexually suggestive pornographic or sexually explicit pictures, messages, or materials;
  - d) **Threats and demands** to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors; and
  - e) **Retaliation** for having reported or threatened to report harassment.

Harassing conduct can take many forms and may include, but is not limited to, the following: slurs, jokes, statements, gestures, electronic mail, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawings, or cartoons based upon an employee's race, sex, disability, sexual orientation, or any other protected status.

Sexually harassing conduct may include all of the prohibited actions listed above as well as unwelcome conduct such as requests for sexual favors, conversation containing unwelcome sexual comments, and unwelcome sexual advances. Sexually harassing conduct can be by either a person of the same or opposite sex; it also includes sex-based harassment that is not motivated by sexual desire.

This policy applies to all phases of the employment relationship, including recruitment, testing, hiring, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, benefits and selection for training.

- 2) **Reporting:** If you believe that you have been harassed or discriminated against, promptly report the facts of the incident(s), without fear of retaliation, to your own or any other NCS supervisor or THE Executive HS Director, or the Administrative Services Director. NCS emphasizes that the employee is not required to report the discriminatory or harassing conduct to his or her own supervisor. Supervisors are required to report all such complaints to the Executive HS Director or the Administrative Services Director immediately.
- 3) **Investigation Procedures:** Every reported complaint of harassment will be investigated in fair, timely, thorough, and impartial manner by qualified personnel, providing appropriate due process to affected individuals, and supporting a reasonable conclusion based on evidence collected. The investigation will be documented and tracked for reasonable progress, resulting in a timely closure and response. The complaint and investigation will be handled in as confidential a manner as possible given NCS's need to develop adequate facts to support its conclusion and response. If NCS determines that misconduct occurred, it will take appropriate corrective action or discipline, up to and including termination of employment or business relationship, depending on the circumstances.
- 4) **No Retaliation:** NCS emphasizes that it will not tolerate retaliation against any employee for making a complaint about discrimination or harassment under this policy or for cooperating in an investigation of discrimination or harassment. Employees who believe that they have been retaliated against for making a complaint about or for cooperating in an investigation of discrimination or harassment should promptly inform their supervisor, or any other member of management. Complaints of retaliation also will be promptly and thoroughly investigated, and the appropriate corrective action and discipline taken, up to and including termination of employment.
- 5) **Discrimination, harassment, and retaliation are illegal.** In addition to notifying NCS about harassment, discrimination, or retaliation complaints, affected employees also may direct their complaints to the federal Equal Employment Opportunity

Commission (“EEOC”) or the state California Department of Fair Employment and Housing (“DFEH”), which have the authority to conduct investigation of the facts. You can contact the nearest DFEH or EEOC office by checking the government listings in the local telephone directory or on the internet.

**Related NCS Policies and Procedures:** Personnel Policies, AR4 Nondiscrimination  
**OHS Performance Standard & Additional Regulations References:** 1303.11; Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA), Fair Employment and Housing Act (FEHA)