

**STATE OF WYOMING
EXECUTIVE DEPARTMENT
EXECUTIVE ORDER**

2000 - 4

Pursuant to the authority vested in the Office of the Governor of the State of Wyoming, I, Jim Geringer, Governor of the State of Wyoming, hereby issue this Executive Order adopting the following anti-discrimination policy. This policy is applicable to all employees, officials, appointees, and elected officials of the executive branch of Wyoming State government.

ANTI-DISCRIMINATION POLICY

I. Statement of Policy

The State of Wyoming executive branch strongly disapproves of and does not tolerate discrimination as defined in this policy. Any form of discrimination or harassment that violates applicable state law, including, but not limited to, discrimination or harassment related to an individual's race, religion, color, sex, national origin, age or disability is a violation of this policy and is grounds for discipline, up to and including dismissal. All reported or suspected occurrences of discrimination or harassment shall be promptly and thoroughly investigated. If discrimination or harassment has occurred in violation of this policy, appropriate corrective action shall be taken, including discipline of the offending employee.

II. Prohibited Conduct

This anti-discrimination policy prohibits the following conduct:

A. Sexual Harassment

1. Definition: Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual or gender-based nature when:
 - a. submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; or
 - b. submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual; or
 - c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.
2. Examples of inappropriate conduct include, but are not limited to:
 - a. threatening or taking adverse employment action if sexual favors are not granted;

- b. demands for sexual favors in exchange for favorable or preferential treatment;
 - c. unwelcome and repeated flirtations, propositions, or advances;
 - d. unwelcome physical touchings;
 - e. whistling, leering, improper gestures, or offensive remarks;
 - f. unwelcome comments about appearance;
 - g. sexual jokes, or the use of sexually explicit, derogatory, or otherwise offensive language;
 - h. the display of sexually explicit pictures, greeting cards, articles, books, magazines, photos or cartoons; and
 - i. any of the above with the use of an employee's access to a state computer, or the state's Internet or e-mail access.
- B. Ethnic slurs, racial and religious jokes or derogatory comments based on an individual's race, religion, or ethnic background and any other verbal or physical conduct relating to an individual's race, religion, sex, national origin, age, or disability.
 - C. Failure to provide reasonable accommodation to an employee who is a qualified handicapped person as set out in Wyo. Stat. § 27-9-105.
 - D. Basing decisions affecting an individual's employment or any term or condition of the individual's employment on the individual's race, color, national origin, creed, sex, age or because the person is a qualified handicapped person.
 - E. Any other conduct that violates applicable anti-discrimination law.
 - F. Retaliation. This policy prohibits retaliation against any employee who opposes a practice prohibited by this policy or who has filed a charge, testified, assisted or participated in any manner in an investigation under this policy.

III. Complaint Procedures

- A. Any employee who believes he or she has been discriminated against or harassed by anyone, including a supervisor, co-worker or visitor, in violation of this policy, should report the conduct immediately. An employee may report the conduct to any of the following:
 - 1. the employee's immediate supervisor;
 - 2. any other supervisor in the employee's chain of command;
 - 3. the human resources manager for the agency, division or other unit in which the employee works; or
 - 4. any other individual designated to receive such complaints.
- B. Before or in addition to reporting the discrimination or harassment, an employee may, if he or she desires, notify the alleged harasser of the unwelcome conduct and request that the conduct stop immediately.
- C. Any supervisor receiving a report of or suspecting harassment or discrimination must immediately report the conduct to the member(s) of management designated to receive such reports.
- D. The individual who receives the complaint should contact an Attorney General's Office personnel section attorney upon receipt of a complaint.

IV. Investigations

- A. All complaints of discrimination or harassment prohibited by this policy shall be investigated by management as soon as possible after the conduct is reported or suspected.
- B. The employee alleging, the employee accused of, and any employee witnessing harassment or discrimination shall cooperate with management in its investigation of the alleged harassment or discrimination.
- C. To the extent practicable, all complaints of harassment or discrimination shall remain confidential. It may be necessary, however, to disclose the nature or origin of the complaint to investigate it properly or to take corrective action.

V. Corrective Action

If it is determined that discrimination or harassment prohibited by this policy has occurred, management shall immediately take action to reasonably ensure that the discrimination or harassment is stopped and does not reoccur.

This Order repeals and replaces Executive Order 1993-4. This Order shall be effective on [date] and shall remain in effect until amended or repealed.

Given under my hand and the Executive Seal of the Office of Governor this ____ day of _____, 2000.

Jim Geringer
Governor