

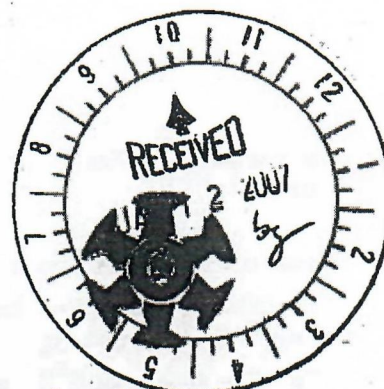


Felix P. Camacho
 Governor
 Michael W. Cruz
 Lieutenant Governor

DEPARTMENT OF ADMINISTRATION
(DIPATTAMENTON ATMENESTRASION)
DIRECTOR'S OFFICE
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JAN 05 2007



Lourdes M. Perez
 Director
 Joseph C. Manibusan
 Deputy Director

DEPARTMENT OF ADMINISTRATION ORGANIZATIONAL CIRCULAR NO. 07-011

TO: All Heads of Line and Autonomous Department/Agencies,
 Instrumentality, Authority and Corporation covered by the EEO Program

FROM: Director of Administration

SUBJECT: **SEXUAL HARASSMENT**

Hafa Adai! The Department of Administration reiterates the severity of harassment on the basis of sex and reminds all employees that sexual harassment in the workplace is a prohibited personnel practice under the GovGuam EEO Program, Title VII of the Federal Civil Rights Act, as amended, and the guidelines of the Federal Equal Employment Opportunity Commission.

As department and agency heads, preventive measures should be taken to explicitly state that sexual harassment is an unacceptable conduct in the workplace and will not be condoned. ~~This is not to mean the regulating of social interaction or relationship freely entered into by~~ employees. An internal Sexual Harassment Policy should be established and disseminated informing employees of their rights to raise the issue. The policy should also state the proper steps to take in rectifying the problem. Sexual Harassment is processed under the Government of Guam's EEO Complaint Process.

Sexual Harassment is a form of sex discrimination in violation of Title VII. Unwelcome verbal or physical conduct of a sexual nature constitutes unlawful sexual harassment when submission to such conduct is made a term or condition of employment; submission to or rejection of such conduct is used as a basis for employment decision; or such conduct unreasonably interferes with job performance or creates an intimidating, hostile, or offensive work environment.

There are two categories of sexual harassment – harassment that results in a *tangible employment action* and *hostile environment* harassment. A *tangible employment action* is defined as tangible job benefits that are granted or denied based on the submission to or rejection of unwelcome sexual conduct. An example is a demand for sexual favors in return for a job promotion. Only a supervisor or manager can undertake a tangible employment action. A *Hostile Environment Harassment* is defined as a pattern of conduct that is severe or pervasive enough to create a hostile work environment for the victim.

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have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. To create a sexual hostile environment, the conduct must be subjectively perceived as abusive by the person(s) affected, and it must be objectively severe or pervasive enough to create a hostile work environment. Examples include sexually *suggestive objects, books, magazines, cartoons, pictures on screen savers of computers, photographs, etc...* A supervisor, co-worker or non-employee can commit this type of harassment.

There are three forms of harassment. Harassment can be verbal, physical, or pictorial. Examples include sexual comments, jokes, innuendo; pressure for dates; sexual touching; sexual gestures, sexual graffiti, displaying sexual pictures or posters.

A supervisor who uses implicit or explicit coercive sexual behavior to control, influence or affect the career, salary, or job of an employee is engaging in sexual harassment. Similarly, an employee who does likewise and behaves in this manner in the process of conducting department/agency business is engaging in sexual harassment.

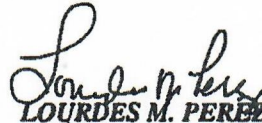
Please note that any employee who participates in deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature which are unwelcome and interfere in work productivity is also engaging in sexual harassment.

Finally, retaliation against any employee who reports sexual harassment or who cooperates when the department/agency official investigating a claim of sexual harassment is prohibited.

If, after investigating any complaint of harassment the department/agency learns that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who provided the false information.

Please be guided accordingly. Attached for your reference is a copy of the Department of Administration Policy on the Prevention of Sexual Harassment. *Si Yu'us Ma'ase!*

Senseramente,


LOURDES M. PEREZ



Ed P. Camacho
Governor
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Lieutenant Governor

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Lourdes M. Perez
Director
Joseph C. Manibusan
Deputy Director

JAN 05 2007

HRD NO: 07-0059

MEMORANDUM

TO: All Employees, Department of Administration
FROM: Director of Administration
SUBJECT: Policy on the Prevention of Sexual Harassment

Hafa Adai! This memorandum is to re-establish the Department of Administration policy on the prevention of sexual harassment in the workplace; the designation of officials to counsel and to investigate charges of sexual harassment; and the advisement on the appropriate corrective actions that will be taken to deal with employees and supervisors who are found to have sexually harassed other employees, applicants, customers, and those who do business with the government.

Sexual harassment is prohibited by law as a form of discrimination under the GovGuam Equal Employment Opportunity (EEO) Program, Title VII of the Civil Rights Act, as amended, and the guidelines of the Federal Equal Employment Opportunity Commission. In addition, sexual harassment is contrary to the merit system principle which requires that all employees maintain high standards of integrity, conduct, and concern for the public interest.

Sexual harassment is defined by the Equal Employment Opportunity Commission as an *unwelcome verbal or physical conduct of a sexual nature when either:*

1. *Submission to or rejection of the conduct is used as the basis for employment decisions affecting the individuals; or*
2. *The conduct unreasonably interferes with work performance or creates an intimidating, hostile or offensive working environment.*

Retaliation against any employee who reports sexual harassment or who cooperates with counseling or investigating officials, or who is processing charges of sexual harassment is also

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POLICY ON THE PREVENTION OF SEXUAL HARASSMENT
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It is the policy of this department to promptly counsel and try to resolve all possible complaints of sexual harassment at the lowest levels of the EEO discrimination complaint process. We will take every measure possible to sensitize managers and employees to sexual harassment issues. Sexual harassment will not be tolerated. It is against the law. It undermines the standards of professionalism expected of government employees. Employees who feel sexually harassed on the job, based on the definition provided above, are encouraged to seek counseling through the Equal Employment Opportunity Program in accordance with the Appendix F of the Department of Administration Personnel Rules and Regulations. Names and telephone numbers of EEO Officials in the Department of Administration are listed below for your information and ready reference.

Maria L.G. Cruz	EEO Coordinator	475-1138
Francisco R. Flores	EEO Coordinator	475-1719
Bertha R. Pereda	EEO Women's Program Coordinator	475-1205
Elaine J. Cruz	EEO Counselor	475-1184
Rosita Fejeran	EEO Counselor	475-1204
Marissa D. Leon Guerrero	EEO Counselor	475-1707

Administrators are to ensure that these EEO Officials are authorized administrative leave to perform their EEO collateral duties as EEO Counselors, EEO Investigators, or as members of the EEO Review Committee. Additionally, the Equal Employment Opportunity Branch in the Division of Personnel Management will oversee all employees' discrimination complaints dealing with sexual harassment.

As a guide for supervisors and administrators, the "*reasonable person standard*" shall be used as an objective test to determine if behavior constitutes sexual harassment. This standard considers what a reasonable person's reaction would have been in a similar situation. The reasonable person standard considers the recipient's perspective and not stereotyped notions of acceptable behavior. For example, a work environment in which sexual slurs, the display of sexually suggestive calendars, pictures, etc., or other offensive sexual behavior abound, can constitute sexual harassment even if other people might deem it to be harmless or insignificant.

Perpetrators of sexual harassment will be disciplined appropriately based on the Table of Offenses provision of the Personnel Rules and Regulations. Supervisors and Administrators who fail to take appropriate corrective measures, when a complaint of sexual harassment is brought to her/his attention will be disciplined in the same manner as the individual who committed the sexual harassment.

Additionally, upon completion of an investigation of any complaint of harassment in the workplace environment and, it is learned by management that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action will be taken against the individual who provided the false information.

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The government of Guam is a professional workplace, and each employee shall be treated with courtesy and respect. We respectfully request your assistance and support to continue our efforts in removing all anti-social behaviors in our work environment. We should all be proud to say "we work for the government of Guam".

Should you have any questions regarding sexual harassment, please feel free to call Ms. Maria Cruz at 475-1138 or Ms. Cecilia Martinez at 475-1252. Si Yu'us Ma'ase!

Senseramente,


LOURDES M. PEREZ

CC: DOA Chrono
HRD Chrono
EEO Chrono
