

## CHAPTER 15

### A. WORKPLACE HARASSMENT AND DISCRIMINATION

#### 1. Purpose

It has long been the City's policy that all employees have a right to be free from any form of discrimination and workplace harassment, including sexual harassment. The city is committed to maintaining a workplace free of discrimination and harassment, and such behavior will not be tolerated. The purpose of this policy is to make it clear that the City has zero tolerance for any form of harassment or unlawful discrimination in the workplace, and to establish procedures for reporting behavior prohibited by the law and this policy.

Historical Note: Adopted Effective: 8/15/02  
Amended Effective: 7/21/04

#### 2. Policy

The City strictly prohibits any form of workplace harassment and discrimination. Complaints of behavior in violation of this policy will be investigated, and violators will be appropriately disciplined, up to and including termination. This policy applies to all employees of the city. Supervisory or managerial personnel are responsible for taking proper action in accordance with this policy.

Employees who are unclear about whether conduct is in violation of this policy are encouraged to contact the human resources to discuss it.

Historical Note: Adopted Effective: 8/15/02  
Amended Effective: 7/21/04

#### 3. Definitions

a. **Discrimination.** Discrimination means to exclude individuals from an employment opportunity based on the individual employee's race, color, religion, sex, age, disability or national origin.

b. **Harassment.** Harassment means an act or a series of acts of an offensive nature between employees, that (i) are offensive to a reasonable person; (ii) are offensive to the employee subjected to the harassing conduct; and (iii) serve no legitimate purpose. Harassment in violation of this policy may include, but is not limited to, the following behavior and conduct:

1. Offensive physical actions by an employee toward another employee, including, assault.
2. Offensive verbal actions by an employee toward another employee, including derogatory, prejudicial, stereotypical or otherwise offensive comments, slurs, jokes, posters, cartoons, pictures, e-mails, voice mail or any form of communication or computer media where a person is depicted in an insulting or demeaning manner.

c. Sexual harassment. Conduct constituting sexual harassment is as defined in the equal employment opportunity commission guidelines, and includes, but is not limited to sexual advances, expectations, requests, demands or pressure for sexual favors or express or implied promises or threats that participation in sexual conduct might affect a person's job in some way.

d. Workplace harassment. Workplace harassment includes harassment and sexual harassment, as defined in this policy.

Historical Note: Adopted Effective: 8/15/02  
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#### **4. Responding to Workplace Harassment and Discrimination**

a. Allegations of workplace harassment and discrimination. Employees who feel they have been subjected to conduct in violation of this policy must report it immediately to his or her supervisor. If the employee's supervisor is (i) the source of the alleged conduct or (ii) not available, or if the employee is uncomfortable discussing it with the supervisor, the conduct should be reported to the Human Resources Department.

Any supervisory or managerial personnel who becomes aware of possible workplace harassment or discrimination must immediately advise the human resources department so that the matter can be investigated in a timely manner.

b. Investigation. All allegations of workplace harassment and discrimination will be thoroughly investigated. to the extent possible, the identity of the employee alleging conduct in violation of this policy will be treated as confidential, as well as the identity of (i) any witness(es) and (ii) the alleged violator. All city employees who are involved with or aware of investigations are expected to maintain the same level of confidentiality. The city has a responsibility to all employees to thoroughly investigate all allegations of conduct in violation of this policy, which may include interviewing alleged offenders and witnesses. When the city's investigation is complete, employees involved with the investigation will be informed of the outcome.

Historical Note: Adopted Effective: 8/15/02  
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#### **5. No Retaliation**

Under no circumstances will anyone be retaliated against or disciplined for complaining in good faith about or otherwise reporting discrimination or workplace harassment.

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#### **6. Discipline**

Discrimination, workplace harassment and retaliation are considered to be forms of employee misconduct. Disciplinary action, up to and including termination, will be taken against any employee engaging in behavior in violation of this policy. Supervisory and managerial personnel who have knowledge of such behavior, but fail to take action to address it, will be subject to disciplinary action, up to and including termination.

Historical Note: Adopted Effective: 8/15/02  
Amended Effective: 7/21/04

## **B. Fraternalization**

The City has adopted this section in recognition of its responsibilities to provide guidelines on and caution employees of the potential problems posed by intimate relationships with other employees. These problems include conflict of interests, interference with productivity of co-workers, and potential charges of sexual harassment. These problems can be particularly serious in situations in which one person has a position of authority over the other, such as in a supervisor-subordinate relationship.

### **1. Restrictions on Employee Conduct**

The City does not prohibit consensual relationships between employees, but it does impose the following restrictions:

- a.) The City strongly discourages supervisors and managers from engaging in sexual or otherwise intimate relationships with subordinates within the same department and requires the employees involved to disclose the existence of such relationship to the Human Resources Director or the City Manager.
- b.) Additionally, supervisors and managers are required to take the steps to resolve any actual or potential conflict of interest or impropriety created by the relationship.

### **2. Disclosure**

Once disclosed, the Human Resources Director and the City Manager must assess the situation and make a recommendation to resolve any actual or potential conflict of interest or impropriety created by the relationship. Such recommendation can require the supervisor or non-supervisory employee to transfer to another department or facility where the supervisor is prohibited from having any involvement in professional decision-making affecting the partner who transfers.

### **3. Discipline**

Failure to comply with the recommendation to resolve a conflict with this policy can result in discipline up to and including termination of employment.

**C. Prohibited Conduct**

Employees are prohibited from engaging in sexual conduct of any kind on City property or on City time.