



Approved:

**City of Vernon, California
Human Resources Policy and Procedure Manual**

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SUBJECT: HARASSMENT/DISCRIMINATION FREE WORKPLACE

PURPOSE:

To establish a policy regarding discriminatory and/or harassment in City employment, and to set forth procedural guidelines for resolution of complaints of harassment.

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.

This policy applies to all officers, elected officials and employees of the City, including, but not limited to, full-time and part-time employees, temporary employees and persons working under contract for the City.

POLICY:

A. Discrimination

The City of Vernon prohibits any and all types of discrimination of its employees by other employees or any outside parties. Discrimination includes all forms of harassment including, verbal, sexual, visual and physical as well as any form of discrimination based upon any protected class including but not limited to: race, pregnancy, childbirth, military leave, creed, gender, religion, color, sex, national origin or ancestry, age, medical condition including genetic information, physical or mental disability, veteran status, marital status or sexual orientation or any other consideration made unlawful by federal, state, or local laws. The City also prohibits unlawful discrimination based on the perception that anyone who has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful. However, it is impossible for the City to assist in the prevention of discrimination by third parties unless an employee notifies the Director of Human Resources, their Department Head, or supervisor of such discrimination.

If an employee believes they have been subjected to any form of unlawful discrimination, they are directed to submit a written complaint to the Director of Human Resources at the City. The complaint should be specific and should include the names of the individuals involved and the names of any witnesses. The City will immediately

undertake an effective, thorough, and objective investigation and attempt to resolve the situation.

If the City determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action will be taken to deter any future discrimination. The City will not retaliate or take any adverse action against an employee for filing a complaint and will not knowingly permit retaliation or adverse action by management, staff, employees or co-workers.

B. Harassment

It is the City's policy to maintain a work environment free from all forms of harassment and to insist that all employees be treated with dignity, respect, and courtesy.

Harassment, including sexual harassment, of one employee by another employee or supervisor is prohibited by law. The City's policy prohibits all forms of harassment and sexual harassment. All such harassment is unlawful.

Prohibited unlawful harassment includes, but is not limited to, the following behavior:

Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, or comments;

Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, or gestures;

Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of gender, race, or any other protected basis;

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

The City of Vernon cannot honor its commitment to maintain a work environment free of harassment without the employees' commitment to report and notify management immediately upon witnessing or experiencing such conduct. As an employee, you have a role in keeping the City free from harassment. If you believe you have been harassed or if you become aware of an incident of harassment, immediately report the matter to the Director of Human Resources. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses. The complaint will be promptly investigated in a discreet manner with information disclosed only on a need-to know basis. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. The City will take all appropriate steps, including all necessary disciplinary action, to stop the offensive or inappropriate behavior. Appropriate action will be taken to deter any future harassment. Harassment complaints are taken very seriously and the City wants the opportunity to resolve any problems. An outside third party may be asked to conduct the investigation.

Additionally, supervisors or managers who observe or otherwise become aware of harassment that violates this policy have a duty to take steps to report any such harassment to his/her Director to prevent its recurrence.

The Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The phone numbers for these agencies are located in the phone book under government agencies.

Charges filed with either the California Department of Fair Employment and Housing or the Equal Employment Opportunity Commission are investigated by that agency; however, the Human Resources Department may also conduct a separate investigation.

C. Sexual Harassment

Sexual harassment of an applicant or employee by a supervisor, management employee, co-worker or a non-employee at the City of Vernon, will not be tolerated.

Employees of the City of Vernon will not engage in sexual harassment. All City of Vernon employees shall report any sexual harassment, whether directed at them or at someone else, to the Director of Human Resources.

The City is committed to compliance with all state and federal laws relating to sexual harassment and provides internal procedures by which allegations of prohibited conduct are filed, investigated promptly and handled in a reasonable and fair manner.

Sexual Harassment is a form of sex discrimination that violates the law. The Fair Employment and Housing Act (FEHA) defines sexual harassment as harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when the conduct is severe and pervasive so as to explicitly or implicitly affect an individual's employment or unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser can be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area of the City, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury or discharge of the victim.

- The harasser's conduct must be unwelcome.

Sexual Harassment is prohibited and can include the following:

- Sexual propositions.
- Sexual innuendo.
- Sexually suggestive comments, epithets or slurs.
- Sexually oriented teasing or kidding.
- Sexually oriented jokes.
- Obscene gestures or language.
- Obscene or sexually suggestive pictures or drawings.
- Physical contact, such as patting, pinching or touching.
- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct such as leering, making sexual gestures, displaying of sexual suggestive objects or pictures, cartoons or posters.
- Verbal conduct such as making or using derogatory comments, epithets, slurs, and jokes.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature such as graphic verbal commentaries about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes, or invitations.
- Offensive gestures (including attempts to look inside an employee's clothing).
- Questioning an employee about his or her sexual history or sexual practices.
- Any offensive touching (i.e., touching that would be found offensive under the circumstances by a reasonable person of the harassed employee's sex).
- Physical conduct such as touching, assault, impeding or blocking movements.

Department Heads, supervisors, managers and employees shall report any incident that may be interpreted to constitute sexual harassment to the Director of Human Resources. The Director of Human Resources shall commence a prompt, fair and reasonable investigation into the allegations and shall report back to the person making the complaints the outcome of the investigation. The Director of Human Resources shall recommend remedial action wherever possible.

Disciplinary action, up to and including termination, will be instituted where it is determined that any form of sexual harassment occurred. Disciplinary action shall be consistent with the nature and severity of the offense, the rank of the harassing party, and any other factors relating to the fair and efficient administration of the City's operations.

Every effort will be made to protect the privacy of parties involved in a complaint. Files pertaining to complaints will not be made available to the general public.

All employees, supervisors and managers shall be sent copies of this Policy, and this Policy shall be given to each new employee in their orientation packet.

Sexual harassment, as defined above, violates Title VII of the Civil Rights Act of 1964, the California Government Code, and regulatory guidelines of the Equal Employment Opportunity Commission, and of the California Fair Employment and Housing Commission. Employees should understand that the City considers violations of this Policy to be serious matters and that, although disciplinary action will be calculated to end harassment, employees may be terminated for sexual harassment.

D. Investigation

Upon the filing of a complaint with the City, the complainant will be provided with a copy of this policy. The Human Resources Department is the department designated by the City to investigate complaints of harassment. However, the Human Resources Director may delegate the investigation to an outside agency. In the event the harassment complaint is against the Human Resources Director, an investigator shall be appointed by the City Administrator and/or City Attorney.

Based upon the investigation and any other relevant information, the investigator shall, within a reasonable period of time, determine whether the conduct of the person against whom a complaint has been made constitutes harassment. In making that determination, the investigator shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question; the context in which the conduct, if any occurred; and the conduct of the person complaining of harassment. The determination of whether harassment occurred will be made on a case-by-case basis by the investigator.

PROCEDURE:

Responsibility	Action
Employee	1. Notifies supervisor and/or Human Resources Director of complaint.
Department head/Supervisor	2. Notifies Human Resources Department of complaint.
Human Resources Director	3. Obtains factual written statement of the complaint. 4. In consultation with the City Administrator and City Attorney assigns either an internal or external person to conduct the investigation of complaint.
Human Resources Staff/Investigator	5. Conducts investigation by interviewing complainant, accused,

witnesses and supervisor as appropriate.

Human Resources Director

6. Reviews factual information collected and recommendations made.
7. Provides investigation report to the City Administrator and City Attorney.
8. Determine whether the conduct of the person against whom a complaint has been made constitutes harassment.
9. If a complaint of harassment is found, recommends immediate and appropriate disciplinary action and/or remedial action to the City Administrator.

City Administrator

10. Authorizes appropriate and timely action.

Department Head

11. Takes appropriate and timely action.