

INTRODUCTION

The City of Taft strictly prohibits unlawful harassment. This includes harassment on the basis of gender, race, color, ancestry, religious creed, handicap or disability, medical or mental condition, age, marital status, sexual orientation, gender identity, genetic information (GI) or any other protected classification under applicable law.

APPLICATION

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 and employees of the City, including but not limited to full-time and part-time employees, per diem employees, temporary employees and persons working under contract for the City.

PROTECTED CLASSIFICATIONS

The City strictly prohibits unlawful harassment. This includes harassment on the basis of gender, race, color, ancestry, religion creed, handicap or disability, medical or mental condition, age, marital status, sexual orientation, gender identity, genetic information (GI) or any other protected classification under applicable law.

HARASSMENT DEFINED

Harassment may consist of offensive verbal, physical, or visual conduct when such conduct is based on or related to an individual's sex and/or membership in one of the above described protected classifications, and:

- a. Submission to the offensive conduct is an explicit or implicit term or condition of employment;
- b. Submission to or rejection of the offensive conduct forms the basis for an employment decision affecting the employee; or
- c. The offensive conduct had the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment. A manager, supervisor, co-worker, or even a non-employee such as a vendor, customer or third party can create a hostile environment.

Examples of what may constitute prohibited harassment include, but are not limited to the following:

- a. Kidding or joking about sex or membership in one of the protected classifications;
- b. Unwanted and/or unwelcome hugs, pats, and similar physical contact;
- c. Assault, impeding or blocking movement, or any physical interference with normal work or movement;
- d. Cartoons, posters, and other materials referring to sex or membership in one of the protected classifications;
- e. Threats intended to induce sexual favors;
- f. Continued suggestions or invitations to social events outside the workplace after being told such suggestions are unwelcome;
- g. Degrading works or offensive terms of a sexual nature or based on the individual's membership in one of the protected classifications;
- h. Prolonged staring or leering at a person.

Similar conduct directed at an individual on the basis of gender race color, ancestry, religious creed, handicap or disability, medical or mental condition, age, marital status, sexual orientation, gender identity, genetic information (GI) or any other protected classification under applicable law.

PROCEDURE

INTERNAL REPORTING PROCEDURE

Any employee who believes that he or she has been the victim of sexual or other prohibited harassment or hostile work environment by co-workers, supervisors, visitors, vendors, or others should immediately notify any supervisor or, in the alternative, the City Manager, depending on which individual the employee feels most comfortable in contacting.

Additionally, supervisors who observe or otherwise become aware of harassment or hostile work environment that violates this policy have a duty to take steps to investigate and remedy such harassment and prevent its recurrence.

EXTERNAL REPORTING PROCEDURE

Any employee who believes that he or she has been the victim of sexual or other prohibited harassment by co-workers, supervisors, visitors, vendors, or others may file a complaint with the California Department of Fair Employment and Housing (DFEH) and/or the U.S. Equal Employment Opportunity Commission (EEOC):

DFEH: 1001 Tower Way, Suite 250
Bakersfield, CA 93307
www.dfeh.ca.gov
1-800-884-1684

EEOC: 2300 Tulare Street, Suite 215
Fresno, CA 93821
www.eeoc.gov
1-800-669-6820

INVESTIGATION

Upon filing of a complaint with the City, the complainant will be provided with a copy of this policy. The City Manager is designated by the City to investigate complaints of harassment. The City Manager may, however, delegate the investigation at his or her discretion. In the event the harassment complaint is against the City Manager, an investigator shall be appointed by the Mayor of the City of Taft, or his or her designee.

Charges filed with DFEH or EEOC are investigated by the respective agency.

INTERNAL DOCUMENTATION PROCEDURE

When an allegation of harassment is made by an employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the City Manager.

The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made, and any other person contacted by the investigator in connection with the investigation. Upon completion of the investigation, the results shall be given to the complainant, the alleged harasser, and the City Manager.

Based on the report and any other relevant information, the City Manager 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 City Manager 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 City Manager.

CONFIDENTIALITY

All records and information relating to the investigation of any alleged harassment and resulting disciplinary action shall be confidential, except to the extent disclosure is required by law, as part of the investigatory or disciplinary process, or as otherwise reasonably necessary.

REMEDIES

DISCIPLINARY ACTION

- a. If the City Manger determines that the complaint of harassment is founded, the City Manager shall take immediate and appropriate disciplinary action consistent with the requirements of law and any personnel rules or regulations pertaining to employee discipline. Other steps may be taken to the extent reasonably necessary to prevent recurrence of the harassment and to remedy the complainant's loss, if any.
- b. Disciplinary action shall be consistent with the nature and severity of the offense, the rank of the harasser, and any other factors relating to the fair and efficient administration of the City's operation.

In the event a complaint is filed with DFEH, and/or EEOC and the agency finds that the complaint has merit, the agency will attempt to negotiate a settlement between the parties. If not settled, the agency may issue a determination on the merits of the case.

Where a case is not settled and the agency finds a violation to exist, it can prosecute the charging party's case. Legal remedies available through the DFEH and/or EEOC for a successful claim by an applicant, employee, or former employee include possible reinstatement to a former job; award of a job applied for; back pay; front pay; attorney's fees; and under appropriate circumstances, actual damages and/or administrative fines.

In the alternative, the DFEH or EEOC may grant the employee permission to withdraw the case and pursue a private lawsuit seeking similar remedies.

RETALIATION

Retaliation against anyone for opposing conduct prohibited by this policy or for filing a good faith complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by the City, DFEH, EEOC or any other appropriate agency strictly prohibited and may subject the offending person to, among other things, disciplinary action, up to and including termination of employment.

EMPLOYEE OBLIGATION

Employees are not only encouraged to report instances of harassment they are obligated to report instances of harassment.

Employees are obligated to cooperate in every investigation of harassment including, but not necessarily limited to:

- a. Coming forward with evidence, both favorable and unfavorable to a person accused of harassment; and
- b. Fully and truthfully making a written report or verbally answering questions when required to do so during the course of the City's investigation of alleged harassment.

Knowingly, falsely accusing someone of harassment or otherwise knowingly giving false information in an investigation of harassment shall be ground for disciplinary action, up to and including termination of employment.

ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receipt of the City of Taft Employee Harassment Policy. I understand that compliance with this policy is a condition of employment and that violation of this policy may result in disciplinary action up to and including termination.

Employee Signature

Date

Employee