

## CITY OF ROSEVILLE

### ADMINISTRATIVE REGULATION

APPROVED:



RAY KERRIDGE, CITY MANAGER

Number: A.R. 2.03

Date Effective: May 15, 1987

Date Revised: July 22, 2010

**SUBJECT: HARASSMENT PREVENTION POLICY**

#### PURPOSE

All employees are guaranteed the right to a work place free of hostility and intimidation. The City will neither tolerate nor condone harassment of employees by managers, supervisors, co-workers, or non-employees with whom City employees have a business, service, or professional relationship.

#### POLICY

It is the policy of the City of Roseville that *harassment* on the basis of race, color, religion, ancestry, national origin, age, sexual orientation, marital status, political affiliation, family care leave status, pregnancy, physical or mental disability, medical condition, or any legally protected status (collectively "protected status") as well as *sexual harassment* based on gender or gender identity will not be condoned or tolerated. Retaliation against an employee for complaining or reporting any act of harassment in violation of this policy is prohibited. Retaliation against an employee for participating in a harassment investigation is also prohibited. The City is committed to ensuring and providing a work place free of harassment. The City will take disciplinary action, up to and including termination, against an employee who violates this policy.

#### **DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment as defined by law is any unwanted sexual advances, requests for sexual favors, visual, verbal or physical conduct of a sexual nature, or written communications of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or
- Submission to or rejection of such conduct is used as a basis for employment decisions affecting the employee; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment because of the persistent, severe or pervasive nature of the conduct.

## **CONDUCT PROHIBITED BY THIS POLICY**

The City will not tolerate employees engaging in any of the conduct listed below:

- Unwanted sexual advances including repeatedly asking another employee on a date after being informed that the interest is unwelcome.
- Demands to provide sexual favors or offering employment benefits in exchange for sexual favors.
- Retaliation against an employee or threatening retaliation against an employee after a negative response to a sexual advance or proposition.
- Visual conduct such as leering, making sexual gestures or making derogatory or demeaning gestures of a person's protected status.
- Visual displays, including electronic media (e.g., screen savers) or printed media material (e.g., posters, cartoons, pictures, calendars, drawings), in the workplace that are sexually explicit or derogatory or demeaning of a protected status.
- Verbal conduct such as making or using derogatory comments, epithets, slurs, jokes, or threats.
- Sexually explicit jokes or comments or derogatory or suggestive comments about a person or a person's body, dress or sexual activities.
- Written communications of a sexual nature (e.g., obscene letters, notes or invitations) distributed in hard copy, via a computer network, or in any other format or medium.
- Written communications distributed in hard copy, via a computer network, or in any other format or medium containing statements which may be offensive to individuals in a particular protected status group, such as racial or ethnic stereotypes or caricatures.
- Unwelcome or unsolicited physical conduct, including but not limited to, touching, patting, pinching, hugging, kissing, grabbing, brushing against another person's body, assaulting, or impeding or blocking movements.
- Retaliation against an employee or threatening retaliation against an employee for making harassment reports or for participating in a harassment investigation.

Sexual harassment can occur between employees of the same sex. The City's policy prohibits males from sexually harassing females or other males, and females from sexually harassing males or other females.

## **FRIENDLY INTERACTION OR SEXUAL HARASSMENT**

There is a clear line in most cases between mutual attraction and a consensual exchange and unwelcome behavior or pressure for an intimate relationship. A friendly, interaction between two persons who are receptive to one another is not considered unwelcome or harassment. Employees are free to form social relationships of their own choosing. However, when one employee is pursuing or forcing a relationship upon another who does not like or want it,

regardless of friendly intentions, the behavior is unwelcome sexual behavior. An employee confronted with these actions by a co-worker should inform the harasser that such behavior is offensive and tell the harasser to stop. Another person does not have to tell the harasser to stop for the conduct to be considered harassment and unwelcome. Certainly if an employee is advised by a co-worker that his or her behavior is offensive, the employee must immediately stop the behavior, regardless of whether the employee asked to stop agrees with the other person's perception of his or her intentions.

**An employee engaging in conduct prohibited by this policy shall be subject to appropriate disciplinary action, up to and including termination of employment. Any employee engaging in inappropriate conduct of a harassing nature on the basis of a protected status that is prohibited under federal or state anti-discrimination statutes shall be subject to appropriate disciplinary action, up to and including termination of employment.**

### **RESPONSIBILITIES WHEN HARASSMENT OCCURS**

#### Employees' responsibilities when subjected to harassment

Any employee who believes he or she has been subjected to harassment prohibited by this policy should immediately tell the harasser to stop his or her unwanted behavior and immediately report that behavior to his or her supervisor or to the City's Human Resources Department. An employee is not required to complain first to his or her supervisor if that supervisor is the individual engaging in the unwanted behavior. Employees may report any incidents directly to the Human Resources Director, who is located in the Human Resources Department and can be reached at (916) 774-5475.

#### Employees' responsibilities with knowledge of harassment

Any employee who is aware of harassment in the workplace, whether or not the harassment is directed at them, has the responsibility of reporting the incident(s) to his or her supervisor or to the City's Human Resources Department.

#### Supervisors' responsibilities

Supervisors are responsible for enforcing the City's harassment prevention policy. Supervisors must ensure that all employees are aware of the City's policy through open discussion of the policy at staff meetings and by posting the policy in a conspicuous location accessible to all staff members. Supervisors should be cognizant of employees' behavior and shall not permit any employee under his or her authority to be subject to or engage in any conduct prohibited by the City's policy. Supervisors who receive complaints or who observe conduct prohibited by this policy shall inform the harassing employee to cease the conduct immediately and shall inform the Human Resources Department. The Human Resources Director is available to provide guidance, training and assistance as required. The City will take disciplinary action, up to and including termination, against any supervisor who fails in his or her responsibility to take immediate action in response to an employee's complaint of harassment or to stop harassing conduct committed in his or her presence or to stop harassing conduct about which the supervisor has knowledge.

The City does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

### Enforcement Responsibilities

The City's harassment policy will be enforced by the City Manager, all Department Heads, and staff from the Human Resources Department. The Human Resources Director is responsible for investigating complaints. Each reported incident will be investigated promptly, impartially and in a confidential manner, accompanied by appropriate disposition of the complaint. Persons making false complaints will be subject to appropriate disciplinary actions.

### **OUTSIDE AGENCIES**

In addition to notifying the City about harassment or retaliation complaints, affected employees may also direct their complaints to the following external agencies:

Department of Fair Employment and Housing (“DFEH”)  
Sacramento District Office  
2218 Kausen Drive, Suite 100  
Elk Grove, CA 95758  
Phone: (800) 884-1684

Equal Employment Opportunity Commission (“EEOC”)  
350 The Embarcadero  
Suite 500  
San Francisco, CA 94105-1260  
Phone: 1-800-669-4000

There are time limits for filing complaints with the DFEH and EEOC. Employees are advised to contact the DFEH or EEOC directly to obtain information on the time limits for filing complaints with these agencies.

If you have any questions or need information regarding your protections under pertinent laws regarding harassment or your rights regarding filing a complaint with the above compliance agencies, you may contact the City's Human Resources Department for assistance at (916) 774-5475.

### **CONFIDENTIALITY**

Investigations of alleged incidents of workplace harassment will be conducted in the most confidential manner possible. Individuals other than the immediate parties may be contacted during the fact-finding investigation process. All contacted parties are to cooperate fully and refrain from discussing the case outside the formal investigation process. Information regarding the allegations and investigation of harassment will be limited to those who have a legitimate need to know.