

**CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES**

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HARASSMENT AND WORKPLACE VIOLENCE PREVENTION**

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9.01 Purpose

The City of Tumwater is committed to providing its employees with a healthy and safe workplace in which all people are treated with respect and dignity. This policy is intended to establish standards for defining and preventing all forms of workplace violence or harassment, to create a means for reporting workplace violence or harassment, to protect good faith reporters from retaliation, and to define the range of disciplinary action that will be taken by the City in cases where workplace violence or harassment has occurred.

9.02 Harassment Policy

It is our policy and commitment that all forms of harassment on the basis of an employee's race, color, sex, creed, religion, age, marital status, sexual orientation or gender expression, national origin, citizenship, the presence of any sensory, mental, or physical disability, veteran status, genetic information, or any other status or characteristic protected by local, state, or federal law will not be tolerated.

Prohibited harassment includes comments, slurs, jokes, innuendoes, cartoons, pranks, physical harassment, etc., which are derogatory on the basis of an employee's protected class membership. Harassment also includes negative actions based on an employee's participation in activities identified with, or promoting the activities of the protected group.

**ALL EMPLOYEES ARE PROHIBITED FROM ENGAGING IN THE
HARRASSMENT OF ANY OTHER EMPLOYEE.**

Every employee has a duty to assist in maintaining a workplace free of inappropriate harassment. Part of every City employee's job duties include the duty to report the harassment of fellow employees or others to their supervisor or to Human Resources so that the matter can be addressed in a prompt manner.

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No employee who makes a good faith report of harassment or who participates in an investigation of alleged violations of this policy will be subject to retaliation or discipline for his or her conduct. Any employee who believes that he/she is being subjected to retaliation should immediately bring these concerns to Human Resources.

Employees have the right to be free from such harassment on the job, whether from co-workers, supervisors, or management. Harassment is prohibited by state and federal antidiscrimination laws where:

- A. Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment;
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual; or
- C. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

9.03 Workplace Violence Policy

The City is committed to creating an environment that enables employees to contribute to their full potential thereby increasing our effectiveness in serving the citizens. We recognize that our potential is maximized when employees are able to work in a positive, engaging, and supportive work environment.

The City of Tumwater has no tolerance for workplace violence, including acts of bullying or intimidation, against any employee. For purposes of this policy, the workplace includes, but is not limited to, the physical work site, washrooms, breakrooms, training sessions, vehicles, field locations, conferences, work-related social gatherings, or any other place where the employee is required to be in service to the City.

Any person who makes a threat, exhibits threatening behavior, or engages in a violent act on City property may be removed from the situation and prohibited from returning to the work site pending the outcome of an investigation. People committing these acts outside of the workplace, but the results of which impact the workplace, are also violating this policy and may face disciplinary action. Threats, acts of violence, and physical assault will be investigated thoroughly, and may result in disciplinary action and/or criminal penalties depending on the circumstances.

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With the exception of commissioned law enforcement officers, possession and/or use of firearms in the workplace is not permitted.

9.04 Definitions

"Harassment" is unwelcome conduct that is based on race, color, sex (including pregnancy), creed, religion, age, marital status, sexual orientation or gender expression, national origin, citizenship, the presence of any sensory, mental, or physical disability, veteran status, genetic information, or any other status or characteristic protected by local, state, or federal law. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment includes, but is not limited to:

- a) Verbal sexual advances or propositions
- b) Verbal abuse of a sexual nature including graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, notes, or invitations
- c) Demeaning comments about customers or coworkers of a sexual nature
- d) Sexually explicit language and/or jokes
- e) Any type of sexual contact in order to remain employed or receive a job advancement or perk or offering benefits in exchange for sexual favors
- f) Leering, making sexual gestures, displaying of suggestive objects or pictures, cartoon or posters
- g) Touching, assault, impeding or blocking movements
- h) Making or threatening reprisals after a negative response to sexual advances.

"Retaliation" means acts of reprisal such as: open hostility to the complainant, participant or others involved; exclusion/ostracism of the complainant or others; creation of or the continued existence of a hostile work environment; negative remarks about the complainant, participants or others; special attention to, or assignment of the complainant, participant or others to demeaning duties not otherwise performed; tokenism or patronizing behavior; discriminatory treatment; subtle harassment; or unreasonable, supervisory-imposed time restrictions on employees on preparing complaints or compiling evidence of harassment activities or behaviors.

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“Workplace Violence” includes:

- a) Physical attacks such as hitting, shoving, pushing or kicking;
- b) Verbal, written, or implied threats that express an intent to inflict harm;
- c) Threatening behaviors such as shaking fists, destroying property or throwing objects;
- d) Any other act that would arouse fear in a reasonable person in the same circumstance.

9.05 Reporting Procedures

Reporting is Every Employee’s Responsibility.

It is the responsibility of every employee to assist in maintaining a workplace free of inappropriate harassment. All employees are required to report the harassment of fellow employees or others to Human Resources or the Administrative Services Director so that the matter can be addressed in a prompt manner.

If You Are a Victim of Harassment.

Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to at an early stage to prevent its escalation.

An employee who believes he or she has been a victim of harassment is encouraged to report the incident(s) or working conditions as soon as possible after the alleged harassment occurs. Reports should be made to Administrative Services Director.

The City Administrator may be contacted if the Administrative Services Director is unavailable, implicated in the allegation, or if the employee for other reasons, is not willing to disclose the matter to the Administrative Services Director. The City Attorney or Mayor should be contacted if a City official is involved in the allegation.

Management's Responsibility.

All reports of alleged harassment shall be promptly referred to the Administrative Services Director, who shall immediately initiate an investigation or recommend another appropriate management representative to initiate the investigation.

Any report of harassment and its investigation is confidential. Dissemination of confidential information shall be limited to persons with a need to know to

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participate in the investigation or implement an action resulting from the investigation. If discipline is anticipated, it may be necessary to disclose the name of the complaining employee to the employee accused of harassment.

The standard to be applied in evaluating allegations of harassment shall be that of a reasonable victim. For instance, if an allegation is made by a female employee, the standard under this policy shall be whether, to a reasonable woman, such conduct would have the effect of making a woman feel offended, uncomfortable, threatened or intimidated. If the allegation is made by a male employee, the allegation shall be evaluated from the perspective of a reasonable male.

If, as the result of investigation, sufficient facts are gathered to support the complaint, management will contact the alleged harasser to obtain a response to the complaint. If the alleged harasser denies the allegation, he/she may be afforded an opportunity to provide details, witnesses or documentation to support his/her denial of the allegation.

Records pertaining to the investigation shall be maintained in a file separate from the complainant's personnel file.

Alleged Harasser's Responsibility.

It shall be the responsibility of any employee accused of harassment to fully cooperate with management in its investigation of complaints and to refrain from retaliating against the complainant for coming forward with the complaint or against others who participated in the investigation. Any employee who engages in acts of retaliation may be subject to disciplinary action, up to and including termination, even if the complaint of harassment is ultimately determined to be unsubstantiated.

9.06 Violations of Policy

The investigator of the complaint will determine whether violations of this policy have occurred on the basis of facts verified during the investigation and after consultation with the City Attorney.

Substantiated violations of this policy may result in disciplinary action in accordance with Section 4 of the City of Tumwater Personnel Policy Manual. Appropriate discipline may include discharge, if the initial violation is sufficiently severe, if the violator's position within the organization has had the effect of

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worsening the harassment, or if lesser violations are repeated after discipline or warnings have been given.

In addition, or as an alternative, to traditional disciplinary actions, violators of this policy may be subject to corrective measures such as educating the harasser, requiring counseling, or reassignment.

Disciplinary action taken under this policy may be subject to the City's grievance policy as described in Section 4 of the City of Tumwater Personnel Policy Manual, to applicable civil service rules and procedures or to collective bargaining agreements.

9.07 What Is Not Considered Harassment or Workplace Violence

The City would prefer that all employees genuinely get along and enjoy each other's company, but we recognize that all of our employees have their own unique perspectives and personalities shaped by their upbringing, education, and life experiences. There will be occasions in which there are personality clashes and disagreements among employees that the City cannot, as a practical matter, control or correct.

Harassment and workplace violence are serious offenses and must be distinguished from other forms of workplace behaviors that are entirely appropriate even though an individual or group of individuals may find them annoying, offensive, stressful, or frustrating.

The following are not considered to be harassment, bullying, or workplace violence:

- a) The imposition of disciplinary measures in accordance with City policies and procedures;
- b) The appropriate use of managerial authority in directing day-to-day activities that serve legitimate work-related purposes;
- c) Workplace stress and organizational changes;
- d) Disagreements, arguments, or minor personality clashes between co-workers that do not interfere with the workplace.