



Policy & Procedure

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| Subject: ANTI-HARASSMENT/ANTI-DISCRIMINATION | | |
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| Approved by: <i>Ralph W. Wemmenhoy</i> | Effective Date: 4/8/2010 | Supersedes: 5/3/2001 |

1.0 PURPOSE:

To establish the City's policy on the subjects of harassment and discrimination, to set forth procedures for handling alleged violations of the policy, and to specify complaint-handling procedures.

2.0 ORGANIZATIONS AFFECTED:

All departments.

3.0 REFERENCES:

Civil Rights Act 1964, Title VII
RCW 49.60 - Washington State Law Against Discrimination
Policy 2.1.1 Equal Employment Opportunity
Policy 2.5.2 Corrective and Disciplinary Action

4.0 POLICY:

4.1 The City of Puyallup is committed to providing a work environment for all employees that is free of illegal bias, prejudice and harassment and where all individuals are treated with respect and dignity. In keeping with this commitment, the City will not tolerate harassment or discrimination of any employee on the basis of race, color, religion, national origin, age, sex, marital status, disability status, sexual orientation, military status, or of honorably discharged veterans, whether by an employee, volunteer, vendor, client, City official or customer of the City.

4.2 It is a violation of this policy for an employee to engage in any of the acts or behavior defined below, and such misconduct may subject an employee to disciplinary action up to and including termination.

4.3 All complaints will be investigated confidentially to the extent permitted by law and the circumstances. Appropriate disciplinary action will be taken if a violation of this policy is found.

- 4.4 Employees who in good faith report harassment will not be subjected to any form of retaliation. Any employee who engages in any form of retaliatory conduct will be subject to disciplinary action up to and including termination.
- 4.5 Supervisors/Managers/Directors must maintain open channels of communication to permit employees to raise concerns of harassment without fear of retaliation, stop any observed harassment, and treat harassment matters with sensitivity, confidentiality, and objectivity. Failure to carry out these responsibilities may result in discipline up to and including termination.

5.0 DEFINITIONS:

- 5.1 Harassment: Harassment can take many forms. Examples of prohibited harassment include, but are not limited to:

Verbal Harassment: Verbal threats toward persons or property, the use of vulgar or profane language toward others, disparaging or derogatory comments or slurs, racial, disability, or ethnic jokes and insults, verbal intimidation, exaggerated criticism, and name calling.

Physical Harassment: Any physical assault such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person; violent or obscene gestures.

Visual Harassment: Derogatory or offensive posters, cartoons, publications, drawings, or visuals displayed on a monitor.

Sexual Harassment: Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or a condition of the individual's employment, submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or such conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of Sexual Harassment:

- Remarks or jokes about a person's clothing, body or sexual activity;
- Unwanted touching, patting or brushing against a person;
- Verbal abuse or pressure for sexual activity;
- Pressure to date or have an affair;
- Gender-based verbal abuse or intimidation.

Sexual harassment does not refer to casual conversation or compliments of a socially acceptable nature. It refers to behavior that is not welcome and which is personally offensive, interfering with effectiveness or creating uneasiness on the job.

If an employee is uncertain whether he/she is experiencing harassment, the Human Resources Director or his/her designee is available for assistance.

- 5.2 Discrimination: Unequal or different treatment of an individual in any personnel action on the basis of race, color, religion, national origin, age, sex, marital status, disability status, sexual orientation, military status, or of honorably discharged veteran.
- 5.3 Harasser: As used in this policy to indicate employee against whom complaint of wrongful conduct in violation of policy is made.

6.0 PROCEDURES:

- 6.1 If an employee believes he/she is experiencing harassment of any kind, the following complaint/investigation procedures should be utilized:

Employee:

- 6.1.1 The employee should first clearly inform the harasser that his/her behavior is unwelcome, inappropriate, and offensive and should stop immediately. If the employee is uncomfortable in discussing the issue with the harasser, the employee shall seek a non-involved supervisor's assistance.
- 6.1.2 If the harassment continues, the employee will notify a non-involved manager/director of the harassment. The employee will include the specific allegation, the date(s) of the occurrence, the individual(s) involved and any witnesses. (A non-involved manager/director is defined as a person in the employee's organization who is not the object of the complaint.)
- 6.1.3 If, for any reason, an employee is reluctant to bring a problem of harassment to the attention of a non-involved manager/director, the employee should seek consultation with the Human Resources Department. If the City Manager is alleged to be involved in the harassment, the employee should contact the Mayor with any complaint.
- 6.1.4 It is the right of all employees to seek redress at any time through the Washington State Human Rights Commission, the Equal Employment Opportunity Commission, or through a court of law. Employees should attempt to exhaust their administrative remedies as outlined in this policy before outside agencies are consulted.

Manager/Director receiving the complaint or Human Resources:

- 6.1.5 The manager/director should make a reasonable effort to obtain detailed information from the complaining employee, i.e.:
 - (1) Identity of the person(s) accused of the offensive action and what specific conduct is objected to;

- (2) How frequent and over what period of time has the conduct occurred;
 - (3) Were there any witnesses or other employees who were subjected to the same type of conduct;
 - (4) Any complaint to fellow employees, the harasser or others within the City;
 - (5) Any pattern associated with this behavior.
- 6.1.6 The manager/director receiving the complaint shall consult with the Human Resources Department on how to proceed, and determine/assign an appropriate investigator. If the complaint of harassment pertains to the Human Resources Director, the complainant shall report the allegations of harassment to the City Manager or City Attorney
- 6.1.7 The investigator will schedule an investigatory interview with the alleged harasser to obtain his or her side of the story. If the alleged harasser is covered by a union contract, s/he may have a union representative attend the interview.
- 6.1.8 The investigator will inform alleged harasser that there has been a complaint of harassment lodged and provide an opportunity for the alleged harasser to respond.
- 6.1.9 If the alleged harasser admits to engaging in harassment or the investigation reveals that the harassment did occur, appropriate action must be taken. The investigator is encouraged to review the accused employee's personnel file to see if there are other problems or, conversely, mitigating circumstances.
- 6.1.10 If the alleged harasser denies the conduct, consider any additional investigation which should be done, e.g., if possible, try to observe the conduct or consider discussing allegations with witnesses. Be sure to inform all employees contacted that the conversation is confidential and not to be communicated to co-workers.
- 6.1.11 The investigator will inform the alleged harasser and the complaining employee of the results of the investigation.
- 6.1.12 The investigator will document all meetings and actions taken to investigate the allegations.
- 6.1.13 If the disciplinary action is less than termination, the investigator will follow up within a reasonable period of time to ensure fulfillment or enforcement of corrective action.

6.2 In the event a manager/director is the subject of a complaint of harassment, the complaint shall be referred directly to the City Manager or the Human Resources Department.

6.3 In the event the City Manager is the subject of a complaint of harassment, the complaint shall be made directly to the Mayor, who will consult with the City Council regarding how to proceed on the complaint.

7.0 TRAINING:

In an effort to maintain a work environment free from intimidation and harassment, the City will provide training.

HARASSMENT POLICY

Employee Procedures for Reporting Harassment

