

CITY OF YREKA
PERSONNEL POLICY AND PROCEDURE
UNLAWFUL HARASSMENT

Purpose and Policy:

The purpose of this administrative policy is to establish the City's position on the subject of harassment, to set forth guidelines for handling violations of the policy, and to specify the related complaint adjustment procedure.

The City is committed to providing a work environment free of unlawful harassment. City policy prohibits sexual harassment and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other basis protected by federal, state or local law or ordinance or regulation. All such harassment is unlawful and commonly has the effect of interfering with work performance or creating an offensive working environment. The city's anti-harassment policy applies to all persons involved in the operation of the City and prohibits unlawful harassment by any employee of the City, including officers, officials, supervisors and co-workers.

It shall therefore constitute a violation of City policy for any employee of the City of Yreka of whatever classification to engage in any of the acts or behavior defined herein as harassment.

The City will take corrective action where an employee has been determined to have violated this policy. Such action will include a range of disciplinary measures, up to and including discharge.

While the City may be unable to control the behavior of non-employees, this need not mean that city employees in the course of their duties must tolerate harassing behavior from non-employees. Such behavior should be immediately reported, in writing, to the employee's supervisor, the City Manager, or the City Attorney, just as if it were committed by a City employee.

Definition:

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

- a) Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- b) Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- c) Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis;
- d) 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
- e) Retaliation for having reported or threatened to report harassment.

Procedure:

If an employee believes that he or she has been unlawfully harassed, the employee shall provide a written complaint either to his/her supervisor, the City Manager or the City Attorney as soon as possible after the incident. The complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. The complaint will be handled in a confidential manner and the information will only be provided to others on a strict "need-to-know" basis.

Supervisors and the City Attorney shall refer all harassment complaints to the City Manager who shall immediately undertake an effective, thorough, and objective investigation of the harassment allegations. In the event the City Manager is the accused party or has a conflict of interest, the duties of the City Manager set forth in this policy shall be performed by a qualified independent investigator to be retained by the City Attorney provided that any corrective or disciplinary action shall be imposed by the City Council based on the investigators report. The investigation should include the following:

- a) Complete documentation of the investigative process.
- b) Thorough interviews of the complainant, accused, and necessary witnesses.
- c) Analysis of all relevant evidence.
- d) Assessment of the credibility of the witnesses and strength of the evidence.
- e) A good faith determination as to whether sufficient cause existed, based on reasonable grounds, that the harassment occurred.

If the investigation determines that harassment has occurred, the City Manager shall take immediate and appropriate corrective action reasonably calculated to prevent further harassment. Any employee determined by the City Manager to be responsible for unlawful harassment will be subject to appropriate disciplinary action, up to and including termination. The City will not retaliate against an employee for filing a complaint and will not tolerate or permit retaliation by anyone.

The City encourages all employees to report any incidents of harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved.