



HARASSMENT
AND
DISCRIMINATION



CITY OF TURLOCK POLICY AGAINST HARASSMENT AND DISCRIMINATION

It is the policy of the City of Turlock that harassment is unacceptable and will not be tolerated. Further, it is the policy of the City of Turlock to treat its citizens, customers and employees with respect and dignity and to strive to provide a working environment free of discrimination and harassment. This policy applies to all employees, officials, agents and volunteers, and all non-employees who have contact with employees during working hours.

Any City employee who has been found, after an investigation, to have harassed another City employee, official, agent, volunteer, consultant or non-employee because of their race, color, ancestry, religion or creed, sex, national origin, marital status, age, physical or mental disability or perceived disability, medical condition, pregnancy-related condition, sexual orientation, gender identity, gender expression, or political affiliation or belief will be subject to disciplinary action up to and including termination.

Definition of Harassment

Harassment based on a person's race, color, ancestry, religion or creed, sex, national origin, marital status, age, mental or physical disability, or perceived disability, medical condition, pregnancy-related condition, sexual orientation, gender identity, gender expression, or political affiliation or belief can constitute a violation of Title VII of the Civil Rights Act, and the California Fair Employment Act. Harassment based on a person's race, color, ancestry, religion or creed, sex, national origin, marital status, age, mental or physical disability, or perceived disability, medical condition, pregnancy-related condition, sexual orientation, gender identity, gender expression, or political affiliation or belief occurs when:

1. The focus and/or content of the harassing act is race, color, ancestry, religion or creed, sex, national origin, marital status, age, physical or mental disability or perceived disability, medical condition, pregnancy-related condition, sexual orientation, gender identity, gender expression, or political affiliation or belief; and,
2. The harassing act tends to create an intimidating, oppressive, hostile or offensive working environment or tends to otherwise interfere with an individual's emotional well being or ability to perform work.

Sexual harassment is a form of sex discrimination. It includes an unwelcome or unsolicited sexual advance, a request for sexual favors, and other verbal or physical conduct of a sexual nature, and can constitute a violation of Title VII of the Civil Rights Act, and Fair Employment Housing Act.

Conduct is considered sexual harassment when:

- a. Submission is made an express or implied term or condition of employment; or
- b. Submission to or rejection of the harassing act is used as a basis for employment or business decisions affecting an individual; or
- c. Such conduct may have the purpose or effect of interfering with an individual's work performance and/or may create an intimidating, hostile or otherwise offensive work or business environment.

Examples of Harassment

- Written examples include suggestive or obscene letters, notes, jokes, e-mails and invitations.
- Verbal examples include derogatory comments, slurs, jokes, and racial epithets.
- Physical examples include assault, touching, impeding or blocking movements.
- Visual examples include leering, gestures or displays of sexually suggestive objects or pictures, cartoons or posters.

Other examples include, but are not limited to, threats of reprisal, implying or actually withholding support for appointments, promotion or transfer, rejection during probation, punitive actions, changes of assignments, or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.

The harassing act may be focused on an individual who is not physically present at the time, or who was present but did not actually see or hear the acts.

Responsibilities

1. Except as set forth below, the City Manager is responsible for enforcement of the City Policy Against Harassment and Discrimination.
2. The Human Resources Manager is responsible for ensuring that all complaints of harassment are investigated thoroughly and promptly, including presentation of recommendations for any necessary action to the City Manager, Department Director, or Department Manager.
3. Every Department Director is responsible for informing all employees of the City Policy Against Harassment and Discrimination and for taking the steps necessary to set a positive example in the prevention of harassment.
4. Every Supervisor is responsible for taking immediate and appropriate corrective action upon the observation of any incident of harassment or upon receipt of an oral or written report of any occurrence of harassment.
5. Every City Employee is responsible for reporting any act of harassment to the immediate Supervisor, Department Manager, Department Director, Human Resources Manager or the City Manager.

Complaint Resolution Procedures

City employees shall report any act of harassment to their immediate Supervisor, Department Manager or Department Director. The Human Resources Manager will investigate and attempt resolution of the harassment complaints in accordance with the City's Complaint Procedure.



PROCEDURE FOR FILING A COMPLAINT REGARDING HARASSMENT AND/OR DISCRIMINATION IN EMPLOYMENT

When an employee feels that they have been harassed as defined in the City Policy Against Harassment and Discrimination, they should file a complaint with the Immediate Supervisor, Department Manager, Department Director, Human Resources Manager or the City Manager so that an investigation can be performed.

Complete the Harassment and Discrimination Complaint Form and Submit to Human Resources. The Human Resources Manager will conduct an investigation of the complaint by interviewing the complainant and any witnesses to the alleged behavior.

The Human Resources Manager will also interview the individual(s) accused of harassment and/or discriminatory behavior.

Based upon the results of the investigation, the Human Resources Manager or designee will make a determination regarding the validity and severity of any violation of the policy and recommend what action, if any, should be taken to correct the issues related to the complaint, including but not limited to, counseling, discipline or termination.

The complainant will be advised at the conclusion of the investigation, if their complaint regarding harassing and/or discriminatory behavior was substantiated and in general terms, what remedial action will be taken against the individual(s) accused of harassment and/or discrimination.



HARASSMENT AND DISCRIMINATION COMPLAINT FORM

Date Received: _____

EMPLOYEE NAME (Complainant) _____
Please type or print

1. List Employee(s) alleged to have exhibited harassing and/or discriminatory behavior.

2. Describe incident(s), which support your complaint. Include location, dates, times and witnesses to the incident(s). (Attach additional pages if necessary).

3. In your own words describe why you feel these incidents represent harassment and/or discrimination as described in the City Policy Against Harassment and Discrimination.

Complainant Signature

Date