

<b>Subject</b>	<b>Annual Acknowledgement of Respect in the Workplace Policy</b>
<b>Summary</b>	The Authority has an administrative policy to provide a work environment that encourages respect and freedom from harassment and discrimination. Employees and Commissioners are required to be briefed on the policy and sign an acknowledgement on an annual basis. Attached is the Authority's policy on Respect in the Workplace. Per discussion with Commissioners at the March 19 <sup>th</sup> meeting, the attached policy has been revised to include the signature acknowledgement on the last page of the policy statement.
<b>Recommendations</b>	Staff recommends that each Commissioner read the attached policy "Respect in the Workplace" and sign the acknowledgement that he/she has received the policy and that he/she agrees to comply with the policy.
<b>Financial Implications</b>	None.
<b>Options</b>	None.
<b>Attachments</b>	A. Office Procedure #6 – Respect in the Workplace.
<b>Changes from Board Committee</b>	The policy has been changed to include the signature block to acknowledge having read and agreeing to comply with the policy at the end of the policy statement instead of by a separate acknowledgement form.

### Background

The Authority has an administrative policy that encourages respect for each person in the workplace, including freedom from harassment and discrimination. The policy sets forth expectations for employee, supervisor and manager behavior for handling discrimination and harassment complaints, for investigating inappropriate behavior and for continuous training of employees regarding this procedure. Section VII, Training and Annual Acknowledgement, specifies that in March of each year, Commissioners shall be briefed on this policy and must also sign an acknowledgement that he or she will comply with the policy.

Per discussion by the Commissioners on March 19<sup>th</sup>, the attached policy is being brought back with a revision to include the signature block to acknowledge having read and agreeing to comply with the policy at the end of the policy statement instead of by a separate acknowledgement form. Commissioners are requested to read and sign the acknowledgement and return the entire policy statement to the Executive Secretary.

## Office Procedure #6

### Respect in the Workplace

#### I. Statement of Policy

The Authority shall provide a work environment that encourages respect for each person in the workplace including but not limited to freedom from harassment and discrimination. Authority employees will conduct all their duties and assignments in a way that shows respectful treatment of the public, staff of other agencies or firms, consultants and contractors, advisory committee members, other employees and Authority volunteers regardless of their race, color, religion, age, national origin, ethnic group, marital status, or sexual orientation, in accordance with state and federal regulations and Authority ordinances and rules. Supervisors and managers shall take appropriate action to remedy any discriminatory or harassing behavior by employees as well as by non-employees present in the work place such as independent contractors, vendors, representatives of other firms or agencies, advisory committee members, or visitors.

#### II. Purpose

This procedure sets forth expectations for employee, supervisor and manager behavior for handling discrimination and harassment complaints, for investigating inappropriate behavior and for continuous training of employees regarding this procedure.

#### III. Definitions (for the purposes of this procedure)

***Authority employee*** means all regular full-time or part-time, at-will, or temporary employees.

***Complaint*** means a complaint of discrimination, harassment or sexual harassment in violation of Authority policy or this procedure. Complaints include circumstances when an Authority employee hears about, learns of, or discovers or otherwise becomes aware of prohibited conduct.

***Discrimination*** is any action that unlawfully or unjustly results in inappropriate treatment of persons or groups based on race, color, religion, age, national origin, ethnic group, sexual orientation, gender, marital status or disability status. Discrimination can exist in the form of disparaging terms or personal conduct.

***Disparaging terms*** means words or terms that are used to degrade or infer a negative characteristic pertaining to race, color, religion, age, national origin, ethnic group, sexual orientation, gender, marital status or disability status. Such words or terms may include slurs, insults, printed and visual materials, signs, symbols, posters or insignia.

***Human Resources Officer (HR Officer)*** is the Chief Financial Officer.

***Person*** means all employees of the Authority and participants in any Authority activity or business transaction.

***Sexual harassment*** means a violation of Section 703 of Title VII of the Civil Rights Act, or the California Fair Employment and Housing Act and is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Sexual harassment includes same-sex conduct regardless of whether the conduct is based on general orientation.

It is considered sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an 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 has the purpose, result, or effect of substantially interfering with an individual's work performance, or creating a hostile or offensive working environment.

***Any Form of Harassment*** means persistent, unwelcome, annoying, disturbing or tormenting conduct of a verbal or physical nature based on race, color, religion, age, national origin, ethnic group, sexual orientation, gender, marital status, or disability status of another person when the conduct has the purpose, result, or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile, or offense working environment.

**Examples of Sexual Harassment:**

*Written examples* include sexually suggestive or obscene letters, notes and invitations.

*Verbal examples* include sexually derogatory comments, slurs, jokes and epithets.

*Physical examples* include assault, touching, impeding or blocking movements of a sexual nature.

*Visual examples* include leering, gestures, or displays of sexually suggestive objects or pictures, cartoons, or posters.

*Other examples* includes threats of reprisal, implying or actually withholding support of appointments or suggesting that punitive action will be taken if requests for sexual favors are not met.

## **Examples of Other Forms of Harassment:**

*Written examples* include disparaging terms, derogatory letters, notes, recordings and other written materials that are stereotyping, degrading or insulting based on race, color, religion, age, national origin, ethnic group, sexual orientation, gender, marital status, or disability status.

*Verbal examples* include disparaging terms and comments, slurs, jokes, and epithets that are stereotyping, degrading or insulting based on race, color, religion, age, national origin, ethnic group, sexual orientation, gender, marital status or disability status.

*Physical examples* include assault, touching, impeding or blocking movements motivated by race, color, religion, age, national origin, ethnic group, sexual orientation, gender, marital status, or disability status.

*Visual examples* include leering, gestures, or displays of objects or pictures, cartoons, or posters motivated by race, color, religion, age, national origin, ethnic group, sexual orientation, gender, marital status or disability status.

*Other examples* include threats of reprisal, implying or actually withholding support of appointments or suggesting that punitive action will be taken when the conduct is motivated by race, color, religion, age, national origin, ethnic group, sexual orientation, gender, marital status or disability status of the victim.

## **IV. Procedure**

### **A. Adherence**

Discrimination, sexual harassment, or any form of harassment by specific acts, inference, or omissions by or against any person is prohibited and will not be condoned. Discipline, up to and including termination, may result from behavior found to constitute discrimination or harassment.

### **B. Supervisor/Manager's Adherence Duty**

1. All Management staff has a responsibility to assure that complaints are pursued and investigated. This duty extends to circumstances or incidents where the injured or reporting party asks that the matter be kept confidential or private. Supervisors and managers will keep the names of complaining persons and accused persons confidential during the investigation stage to the extent possible, and except as necessary to determine the validity of the claim.

2. Managers will be held to a high standard of conduct regarding their actions or their failure to act regarding complaints. Supervisors and managers who engage in discrimination, harassment or sexual harassment destroy an effective and productive work environment and would place the Authority at risk of substantial financial exposure, litigation costs and lost work time.
3. Managers who engage in discrimination, harassment or sexual harassment will be subject to discipline up to and including termination.
4. Procedures to pursue and investigate complaints are provided in Section VI of this Administrative Procedure. All managers are obligated to follow these procedures.

#### C. Employee's Adherence Duty

Employees are responsible for maintaining a working environment free from discrimination, harassment or sexual harassment by practicing positive behaviors and by warning offenders to stop unwelcome behavior. This duty includes victimized employees and employees who witness the offensive conduct.

Employees who engage in discrimination, harassment or sexual harassment will be subject to discipline up to and including termination.

#### D. Notification Responsibilities

##### 1. Employee's Notification Responsibility

Any employee who finds remarks or other behavior of another employee offensive should promptly warn the offending employee that the particular behavior is offensive and unwelcome. The offended employee should directly and courteously tell the other employee that the action or behavior is offensive and he or she should stop the offensive behavior.

If the offensive behavior continues, or if the employee is unable or unwilling to confront the harasser directly, the employee shall promptly notify his or her immediate supervisor, department director or the Executive Director regarding the offensive conduct. Any complaint regarding offensive behavior of the Executive Director shall be reported to any member of the Board of Directors or to the HR Officer. This duty includes victimized employees and employees who witnessed the offensive conduct. In complaints regarding the Executive Director made directly to a Commissioner, after the employee contacts the Commissioner, the Commissioner shall inform the Chair of the Authority Board, who shall call for an immediate meeting of the Executive

Committee. It is expected that the Executive Committee shall render their decision within 24 to 48 hours.

Employees may report complaints directly to the HR Officer without first making a report to his/her supervisor or department director. Except with respect to complaints regarding the Executive Director, when a complaint is reported to the HR Officer, the manager or department director shall be notified.

All supervisors and managers receiving complaints shall cooperate with the investigator to retain all evidence bearing on any complaint. At the time of documenting any information pursuant to this section, the supervisor or manager shall contact all concerned parties to confirm the relevant information. Documentation of warnings between parties created pursuant to this paragraph shall not be placed in any employee's personnel file unless there is subsequent disciplinary action.

## 2. A Manager's Responsibilities

Managers are responsible for receiving reports, pursuing complaints within forty-eight (48) hours of receiving information and immediately notifying the HR Officer of the complaint. The duty to pursue information and investigate includes reports and information received in confidence or privately. Managers are obligated to inform any person providing information that the incident or behavior cannot be maintained in confidence and that the supervisor or manager has a duty to report and investigate the matter. The investigation itself will be kept confidential with regard to uninvolved parties to the extent possible. Nonetheless, all persons shall be informed that if a matter requires a hearing their names may be subject to disclosure.

Managers who fail to pursue complaints and take corrective measures when indicated shall be subject to disciplinary action up to and including termination.

## 3. Duty to Protect from Retaliation

The Authority recognizes that a person reporting behavior pursuant to this procedure may be intimidated or may fear reprisals. All supervisors and managers shall take all reasonable measures to prevent any person from retaliating against any person who reports a complaint or participates in the investigation of any complaint, including discipline up to and including termination. No employee will be subject to any form of discipline for pursuing a complaint or cooperating with an investigation.

## E. Reporting Complaints

Should any person believe he or she has been discriminated against, or harassed or sexually harassed, the person shall take one or more of the following steps:

1. The person shall document to the extent possible all incidents to provide a basis for the investigation. All messages in writing, e-mail or voice mail must be saved.
2. Persons other than Authority employees shall report any discrimination, harassing or sexually harassing behavior to the Authority HR Officer (or the Executive Director). Such behavior in the Authority's premises by non-employees shall also be reported to the HR Officer (or the Executive Director). Any complaints involving the HR Officer shall be reported to the Executive Director.
3. Anonymous complaints received by or learned of by a supervisor or manager will receive the same attention and investigation as any other complaint.
4. To the extent possible, Authority employees shall report all incidents in violation of this procedure to his/her supervisor within twenty-four (24) hours of learning the information so that steps may be taken to protect the employee or person from further harassment or discrimination, and to conduct an immediate investigation.
5. If the employee chooses, the employee may file his/her complaint directly with the HR Officer.
6. Any person may consult with the HR Officer prior to reporting a complaint in order to obtain information about the procedures for making a complaint.
7. Any employee may file a discrimination, harassment or sexual harassment complaint directly with an appropriate outside agency such as the Federal Equal Employment Opportunity Commission or the State of California Department of Fair Employment or Housing. Employees and other persons are strongly encouraged to report all discrimination, harassment, or sexual harassment to their supervisor, manager or the HR Officer in order to stop the behavior as soon as possible and allow for other corrective action.
8. There shall be no retaliation against any person for making a complaint or for testifying in any matter related to a complaint. Any employee, supervisor or manager engaging in retaliation against a person for making

any complaint, or assisting in an investigation of a complaint, or testifying in any matter relating to a complaint, shall be subject to discipline up to and including termination.

9. All employees have a duty to behave with honesty and candor in matters related to this procedure.

## **V. Investigation of Complaints**

- A. Duty to investigate: Managers are obligated as a condition of employment to pursue complaints of behavior in violation of Authority policy and procedure.
- B. Duty to make an initial assessment of complaints: Managers shall act promptly to complete an initial assessment of all complaints, usually within five (5) calendar days of learning of the complaint. The manager shall document all activities related to the initial assessment and shall preserve all materials relating to the initial assessment.

When a manager learns of a warning between an employee and another person, the matter shall be documented and a determination made as to whether further investigative action is warranted. If it is determined that violence, assault or physical contact may have occurred, the matter shall be referred through the HR Officer to the local police department for criminal investigation.

After completion of the initial assessment, the manager shall contact the HR Officer, and provide to him or her all relevant documentation and transfer the matter for follow through.

An initial assessment is completed by a determination that the reported behavior does not fall within the scope of Authority policy or procedure, or documentation of a warning between the parties, or referral to the HR Officer for administrative investigation or criminal prosecution.

- C. Duty of HR Officer to investigate: The HR Officer shall review the initial assessment and conduct an administrative investigation of the complaint or may, at his or discretion, refer the matter to an outside investigator for such investigation.

## **VI. Responsibility for Remedial Action**

The manager of the unit in which the incident, behavior or circumstances arose is responsible for follow through on the findings.

The responsible manager shall implement any reassignments or disciplinary action as he or she deems appropriate. The complaining party or witnesses shall not be informed of any disciplinary action resulting from the investigation and findings.

When an investigation determines that a non-employee has engaged in conduct prohibited by Authority policy or procedure, the HR Officer shall take appropriate action to remedy the conduct. Remedial actions may include, but are not limited to, notification of the non-employee's supervisor, criminal prosecution, termination of a contract with a vendor, appropriate warnings, dismissal from advisory committees, discussions with visitors, restraining orders, and other legal remedies to prevent future prohibited conduct.

Regardless of the outcome of any initial assessment, criminal referral or investigation pursuant to this procedure, no employee, supervisor, manager or person may take any action in retaliation against another person because of any involvement in an initial assessment, criminal referral or investigation.

## **VII. Training and Annual Acknowledgment**

The Authority shall train all employees and managers in the use of this procedure. Authority policy and this procedure shall be reviewed with employees and a copy of this procedure shall be distributed to each employee annually. Each employee shall sign an acknowledgement of receipt of the policy and procedure, that he or she has read, understood, and will comply with the policy.

In March of each year, Commissioners shall be briefed on this policy and must also sign below acknowledgement that he or she will comply with the policy.

*Office Procedure #6 expresses the Authority's intent to provide a work environment that encourages respect for each person in the workplace, including but not limited to, freedom from harassment and discrimination.*

*The Authority's Respect in the Workplace policy requires that all employees and commissioners annually acknowledge receipt of the policy, and certify that they will comply with its provisions.*

***I acknowledge that I have received the Authority's Office Procedure #6 - Respect in the Workplace, and will comply with its provisions.***

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_