



City of
SANTA CLARITA

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January 2015

Dear City of Santa Clarita Volunteer:

Thank you for your contributions to the City of Santa Clarita as a volunteer. You are providing a great service; please know that we truly appreciate your help.

The City is committed to providing a workplace free of harassment, discrimination, and retaliation, and this includes our volunteers. As such, we feel it is important to share the attached policy.

After reading the policy, please either sign the acknowledgement receipt at the back of the document and email the signed form to volunteers@santa-clarita.com, or simply send an email with the acknowledgement statement. If you have any questions, please feel free to contact Human Resources at (661) 284-1418.

Sincerely,

Human Resources

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PR:Community Services\Volunteer\Legislation\AB1443-LetterToVolunteers.doc

Enclosure





City of Santa Clarita
POLICY/PROCEDURE

Number III-6.2

**SUBJECT: POLICY AGAINST HARASSMENT,
DISCRIMINATION, AND RETALIATION**

ORIGINAL ISSUE: 07/01/1990

EFFECTIVE: 07/01/1990

CATEGORY:
HUMAN RESOURCES

CURRENT ISSUE: 11/12/2011

EFFECTIVE: 11/12/2011

SUPERSEDES: III-6.1

RESPONSIBLE DEPARTMENT: CITY MANAGER'S OFFICE

STANDARD MANAGEMENT PROCEDURE

I. PURPOSE AND POLICY

The City of Santa Clarita is committed to preventing harassment, discrimination, and retaliation, and maintains a strict policy prohibiting all types of harassment or discrimination because of race, color, national origin, ancestry, religion, creed, sex, gender, genetic characteristics or information, physical or mental disability, medical condition, marital status, sexual orientation, age, pregnancy, childbirth, or related medical conditions, or any other basis protected by applicable federal, state, or local law. All such harassment or discrimination is prohibited. This Policy applies to all employees involved in the operations of the City, including those not in the competitive service, and prohibits harassment, discrimination, and retaliation by any employee of the City including supervisors and co-workers, and by others doing business with the City. If harassment occurs on the job by someone not employed by the City, the procedures in this Policy should be followed as if the harasser were an employee of the City.

II. DEFINITIONS

A. Discrimination: Discrimination is any action or conduct by which an employee is treated differently or less favorably than other employees similarly situated to him or her for the sole reason that he or she is a member of a legally protected category.

B. Harassment: Unwelcome verbal, visual, or physical conduct based on an employee's membership in a legally protected category that creates an intimidating, offensive, or hostile work environment or that interferes with work performance. Such conduct constitutes harassment when:

1. Submission to the conduct is made either an explicit or implicit condition of employment;
2. Submission to or rejection of the conduct is used as the basis for an employment decision; or

3. The harassment unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Harassing conduct can take many forms and includes, but is not limited to, slurs, jokes, statements, gestures, pictures, computer images, or cartoons regarding an employee's legally protected characteristic.

C. **Legally Protected Category or Characteristic:** Race, color, national origin, ancestry, religion, creed, sex, gender, genetic characteristics or information, physical or mental disability, medical condition, marital status, sexual orientation, age, pregnancy, childbirth, or related medical conditions, or any other basis protected by applicable federal, state, or local law.

D. **Sexual Harassment:** Sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment; or (2) submission to or rejection of such conduct is used as basis for employment decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment. This definition includes potential forms of offensive behavior. The following is a list of some examples:

1. Unwanted sexual advances.
2. Offering employment benefits in exchange for sexual favors.
3. Making or threatening reprisals after a negative response to sexual advances.
4. Visual conduct, such as leering, making sexual gestures, displaying of sexually explicit jokes, comments about an employee's body or dress.
5. Verbal sexual advances or propositions.
6. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes, or invitations.
7. Physical conduct, such as touching, assault, impeding, or blocking movements.
8. Retaliation for reporting harassment or threatening to report harassment.
9. Sexual harassment can occur between members of the same or opposite sex. Harassment on the job is prohibited whether it involves co-worker harassment, harassment by a supervisor or manager, or harassment by third parties doing business with or for the City.

E. **Supervisor:** Any individual having the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

III. PROCEDURES

A. Training and Policy Dissemination:

1. Non-Supervisory Employees: All employees who are hired by the City will be given a copy of this Policy, and will receive guidance from the Human Resources Division on its provisions and the City's commitment to provide a harassment-free and discrimination-free workplace. Non-Supervisory employees may also receive training, at the discretion of the City.

2. Supervisory Employees:

(a) All supervisors will be trained once every two years on matters relating to the prevention, reporting, and investigation of harassment, discrimination, and retaliation. Further, individuals appointed to supervisory positions from a non-supervisory position or as a new employee shall receive training within six months of their hiring or assumption of the supervisory position.

(b) Supervisory training will last for a minimum of two hours.

(c) Supervisory training will be conducted in a classroom or other interactive setting and will, at a minimum, cover the following topics:

(1) Information and practical guidance regarding federal and state statutory laws about sexual harassment;

(2) Information about the correction of sexual harassment and the remedies available to victims of sexual harassment; and

(3) Practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation.

B. Preventing Harassment and Discrimination: The City's complaint procedure provides for an immediate, thorough, and objective investigation of every harassment or discrimination claim, appropriate disciplinary action against one found to have engaged in prohibited harassment or discrimination, and appropriate remedies to any victim of harassment or discrimination. Any employee who believes that he/she is being harassed or discriminated against by another employee or a third party is encouraged to, but is not required to, confront this person and politely, but firmly inform the person of the conduct that he/she finds offensive and request that the person cease this behavior. If the employee does not wish to confront the person harassing or discriminating against them, or if his/her attempts to do so have failed, the employee should file a complaint with the City. Employees should follow this procedure to notify the City of harassment and/or discrimination:

1. Filing a Complaint: Employees who believe they have been harassed or discriminated on the job, including by persons doing business with or for the City, must provide a written or verbal complaint to any supervisor or to the City's Human Resources Manager as soon as possible.

In addition, employees may use the following suggested reporting procedures when filing a complaint about certain individuals in the City. Complaints regarding a person within the employee's direct chain of command may be provided to the Human Resources Manager. Complaints regarding the Human Resources Manager or Personnel Officer may be provided to the City Manager. Complaints regarding the City Manager or the City Attorney may be submitted to the City Clerk for consideration by the City Council during closed session. Complaints regarding a member of the City Council may be reported to the City Manager or the City Attorney.

The complaints should be as detailed as possible, and must include details of the incident(s), name(s) of individuals involved, and the name(s) of any witness(es). The employee should also attach any documentary evidence to the complaint. Supervisors and managers must immediately refer all harassment or discrimination complaints to the City's Human Resources Manager.

2. **Investigation of Complaints:** All incidents of harassment and discrimination that are reported must be investigated. The Human Resources Manager, or other appropriate person if the circumstances warrant, will immediately undertake or direct an effective, thorough, and objective investigation of the harassment or discrimination allegations. The investigation will be completed and the determination regarding the harassment or discrimination alleged will be made and communicated to the employee(s) who complained and the accused harasser(s). If the City determines that harassment or discrimination has occurred, the City will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment or discrimination. If a complaint of harassment or discrimination is substantiated, appropriate disciplinary action, up to and including discharge, will be taken. The City will also take appropriate action to remedy any loss to the employee resulting from the harassment or discrimination.

Employees may be placed on paid administrative leave during an investigation until the conclusion of a discrimination or harassment investigation.

ALL EMPLOYEES SHOULD NOTE THAT THE FAILURE TO USE THE CITY'S COMPLAINT PROCEDURE MAY HAVE AN ADVERSE EFFECT ON ANY CLAIM UNDER THIS POLICY WHEN SUCH CLAIMS ARE LITIGATED.

Confidentiality: The City will take all reasonable steps available to maintain the confidentiality of all complaints of harassment and discrimination as well as all information gathered during an investigation.

The City discourages anonymous complaints. However, any employee who wishes to make a complaint of discrimination, harassment, or retaliation, but is uncomfortable disclosing his/her identity may do so by following the above complaint procedure and filing the complaint anonymously with the Human Resources Manager or City Manager. **Employees should know, however, that anonymity in the complaint procedure may compromise the City's ability to complete a thorough investigation.** Employees should also be aware that should the City learn of the complaining party's identity, the City cannot guarantee that

his/her identity will remain confidential because the City cannot guarantee absolute confidentiality as disclosure of information is necessary to complete the investigation.

C. **Employee's Duty to Disclose Benefits Received:** Employees are hereby informed that no supervisor, manager, or officer of the City, or other person or entity doing business with the City, is authorized to expressly or impliedly condition the receipt or denial of any benefit, compensation, or other term or condition of employment on an employee's acquiescence to any sexual demand. To the contrary, all employees are instructed that they must refuse such demands and report them promptly either to their immediate supervisor or to the Human Resources Division of the City. Any employee who is found to have accepted any benefit from the City because he/she submitted to an unreported sexual demand will be disciplined appropriately, including but not limited to, reimbursement for the value of any benefits received. Any employee making such a demand will be similarly disciplined.

D. **Supervisor's Obligation to Report Harassment or Discrimination:** Any supervisor who receives a complaint of harassment or discrimination, witnesses harassment or discrimination, or has any reason to believe that harassment or discrimination has occurred in the workplace is required to report the conduct immediately to the Human Resources Division of the City.

E. **Prohibition Against Retaliation:** The City prohibits retaliation against any employee because of the employee's opposition to a practice the employee reasonably believes constitutes employment discrimination or harassment or because of the employee's participation in an employment discrimination or harassment investigation, proceeding or hearing. Any retaliatory adverse action because of such opposition or participation is contrary to this Policy and will not be tolerated. Such retaliation may also be unlawful. Any employee who believes that he/she is being retaliated against is encouraged to, but is not required to, confront this person and politely, but firmly inform the person of the conduct that he/she finds offensive and request that the person cease this behavior. If the employee does not wish to confront the person retaliating against them, or if his/her attempts to do so have failed, the employee should file a complaint with the City, as set forth in Section 6.D, below.

1. **Examples of Opposition:** Opposition to perceived harassment or discrimination includes threatening to file a discrimination complaint with the Equal Employment Opportunity Commission ("EEOC"), the Department of Fair Employment and Housing ("DFEH"), union, or court, or complaining or protesting about alleged employment discrimination or harassment to a manager, union official, co-worker, or other official. Opposition also includes a complaint or protest made on behalf of another employee or made by the employee's representative. A complaint about an employment practice constitutes protected opposition only if the employee communicates to the City a reasonable good faith belief that the practice opposed constitutes employment discrimination or harassment. Opposition in a manner which disrupts the workplace, or which constitutes an unlawful activity, or engaging in badgering or threatening of employees or supervisors is not protected.

2. Examples of Participation: The City prohibits retaliation against any individual because he/she has filed a charge, testified, assisted or participated in any manner in an investigation, proceeding, hearing or litigation under federal or state employment discrimination or harassment statutes or at other hearings regarding protected employee rights, such as an application for unemployment benefits. The City also prohibits retaliation against somebody closely related to or associated with the employee exercising such rights.

3. Examples of Adverse Actions: For purposes of this Policy, an adverse action can include, but is not limited to, the following acts, when the act is taken because of the employee's opposition to harassment or discrimination, or because of the employee's participation in an employment discrimination or harassment investigation, proceeding, or hearing: disciplinary actions, negative performance evaluations, undesirable transfer, undesirable assignments, negative comments, unwarranted criticism, undesirable change in benefits, undesirable change in work schedule, unwarranted exclusion from meetings or events, or undesirable change in work duties.

4. The City's Retaliation Complaint Procedures: The City's complaint procedure provides for an immediate, thorough, and objective investigation of any claim of retaliation because of opposition to alleged discrimination or harassment or participation in a proceeding regarding alleged employment discrimination. If you believe that you have been retaliated against because of your opposition to an employment practice you reasonably believe to be discriminatory or because of your participation in a hearing or proceeding regarding alleged discrimination or harassment, you must provide a written or verbal complaint to your immediate supervisor or to the City's Human Resources Manager as soon as possible.

In addition, employees may use the following suggested reporting procedures when filing a complaint about certain individuals in the City. Complaints regarding a person within the employee's direct chain of command may be provided to the Human Resources Manager. Complaints regarding the Human Resources Manager or Personnel Officer may be provided to the City Manager. Complaints regarding the City Manager or the City Attorney may be submitted to the City Clerk for consideration by the City Council during closed session. Complaints regarding a member of the City Council may be reported to the City Manager or the City Attorney.

The complaint should be as detailed as possible, and must include details of the incident(s), name(s) of individuals involved, and the name(s) of any witness(es). The employee should also attach any documentary evidence to the complaint. Supervisors and managers must immediately refer all retaliation complaints to the City's Human Resources Manager.

All complaints of prohibited retaliation which are reported to the City will be investigated. The City will immediately undertake and direct an effective, thorough, and objective investigation of the retaliation allegations. The investigations will be completed and a determination regarding the alleged retaliation will be made and communicated to the employee who complains and to the person(s) accused of retaliation.

If the City determines that an individual has suffered adverse action in retaliation for opposition to alleged employment discrimination or harassment, or participation in a proceeding related to alleged employment discrimination or harassment, the City will take effective remedial action appropriate to the circumstances. The City will also take action to deter any future retaliation. If a complaint of retaliation is substantiated, appropriate disciplinary action, up to and including discharge, will be taken. Whatever action is taken against the person responsible for the retaliation will be communicated to the employee who complained.

5. Confidentiality: The City will take all reasonable steps available to maintain the confidentiality of all complaints of retaliation as well as all information gathered during an investigation. However, employees may not make an anonymous complaint and the City cannot guarantee absolute confidentiality as disclosure of information is necessary to complete the investigation. All employees involved in the investigation of retaliation complaints will be admonished to keep all information related to the investigation confidential, and that revealing such information is grounds for disciplinary action.

6. Supervisor's Obligation to Report Retaliation: Any supervisor who receives a complaint of retaliation, witnesses retaliation, or has any reason to believe that retaliation has occurred in the workplace is required to report the conduct immediately to the Human Resources Division of the City.

F. Additional Enforcement Information: In addition to the City's internal complaint procedure, employees should also be aware that the EEOC and the DFEH investigate and prosecute complaints of harassment, discrimination, or retaliation in employment. You can contact the EEOC as follows: Los Angeles District Office, 255 East Temple, 4th Floor, Los Angeles, California, 90012; 213-894-1000. You can contact the DFEH as follows: Los Angeles Office, 611 West Sixth Street, Suite 1500, Los Angeles, California 90017; 800-884-1684.

Employees should feel free, without fear of retaliation, to follow the procedures set forth above if they believe they have been harassed, discriminated or retaliated against as described in this Policy.

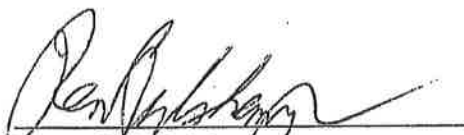
For more information, contact the City's Human Resources Division.

IV. EXCEPTIONS

There are no exceptions to this Policy without the express approval of the City Manager.

V. AUTHORITY

By the authority of the City Manager.


Kenneth R. Pulskamp
City Manager

**CITY OF SANTA CLARITA
POLICY AGAINST HARASSMENT, DISCRIMINATION,
AND RETALIATION
ACKNOWLEDGEMENT OF RECEIPT**

By my signature below, I acknowledge that I have received, read and understood the City of Santa Clarita's Policy III-6.2, Policy Against Harassment, Discrimination, and Retaliation, and I will abide by its terms. I understand that failure to fully comply with all terms set forth in the Policy may lead to disciplinary action, up to and including termination.

Name (PLEASE PRINT)

Signature

Date