Harassment Policy and Complaint Procedure

Policy Statement

Harassment of an applicant or employee by a supervisor, management employee, or co-worker on the basis of race, religion, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, sex or age will not be tolerated. This Policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation and training.

Disciplinary action up to and including discharge will be instituted for behavior described in the definition of harassment set forth below.

Any retaliation against a person for filing a harassment charge or making a harassment complaint is prohibited. Employees found to be retaliating against another employee shall be subject to disciplinary action up to and including discharge.

Questions about this policy may be directed to the Director of Human Resources. The City reserves the right to modify or amend the policy in the future; the City will meet and confer regarding substantive changes.

I have read and been provided a copy of the City of Daly City Harassment Policy and Complaint Procedure. I understand it and my obligations and rights regarding it and am willing to attend training regarding it.

____________________________________  ______________________
(please print name)                        Date

R: 09/07
PURPOSE:
The purpose of this Policy is to establish a strong commitment to prohibit harassment in employment with the City of Daly City, to define discrimination harassment and to set forth a procedure for investigating and resolving internal complaints of harassment.

POLICY:
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DEFINITION:
Harassment includes, but is not limited to:

1. Verbal Harassment - For example, epithets, derogatory comments or slurs on the basis of race, religious creed, color, national origin, ancestry, handicap, disability, medical condition, marital status, sex or age. This might include inappropriate sexually oriented comments on appearance, including dress or physical features or racially oriented stories.

2. Physical Harassment - For example, assault, impeding or blocking movement, with the physical interference with normal work or movement when directed at an individual on the basis of race, religion, color, national origin, ancestry, handicap, disability, medical condition, marital status, age or sex. This could be conducted in the form of pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

3. Visual Forms of Harassment - For example, derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religious creed, color, national origin, ancestry, handicap, disability, medical condition, marital status, sex or age.

4. Sexual Favors - Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature which is conditioned upon an employment benefit, unreasonably interferes with an individual's work performance or creates an offensive work environment.
COMPLAINT PROCEDURE:

A. Filing: An employee or job applicant who believes he or she has been harassed may make a complaint orally or in writing with any of the following:

1) Immediate supervisor
2) Any supervisor or manager within or outside of the department
3) Department Head
4) Director of Human Resources

Any supervisor or department head that receives a harassment complaint should notify the Director of Human Resources immediately.

B. Upon notification of a harassment complaint, the Director of Human Resources shall review the complaint and notify the City Manager. If the complaint is not able to be resolved to the satisfaction of the individual filing the complaint, the Personnel Officer shall forward the complaint to the attention of the City Manager. The City Manager shall proceed as follows.

1) Authorize the investigation of the complaint and supervise and/or investigate the complaint. The investigation will include interviews with: 1) the complainant 2) the accused harasser, and 3) any other person(s) the investigator has reason to believe has/have relevant knowledge concerning the complaint. This may include victims of similar conduct;

2) Review factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment; give consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incidents occurred;

3) Report the results of the investigation and the determination as to whether harassment occurred to appropriate persons including to the complainant, the alleged harasser, the supervisor, and the department head. If discipline is imposed, the discipline will not be communicated to the complainant;

4) If harassment occurred, take prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense;

5) Take reasonable steps to protect the victim and other potential victims from further harassment.

6) Take reasonable steps to protect from any retaliation as a result of communicating the complaint;

7) If appropriate, take action to remedy the victim’s loss, if any, which resulted from the harassment.

DISSEMINATION OF POLICY:

All employees shall be sent copies of this Policy. New employees will be provided with a copy of this Policy at New Employee Orientation.