



**CITY OF EL SEGUNDO
HUMAN RESOURCES DEPARTMENT**

HARASSMENT IN EMPLOYMENT POLICY

Section I **PURPOSE OF POLICY**

1. To define and issue to all employees the City's policy on the prohibition of harassment in the workplace;
2. To fully inform all employees of their right to be free of unlawful harassment in the workplace;
3. To fully inform all employees that the City does not and will not tolerate harassment in the workplace;
4. To inform all employees of their rights if they believe that they are or have been the victim of harassment; and
5. To provide a means for the prompt reporting and full effective investigation of harassment complaints and to provide for effective remedial action against the harasser and for the victim.

Section II **STATEMENT OF POLICY**

Harassment of an applicant or employee by a supervisor, management employee or co-worker on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age is prohibited and will not be tolerated.

Harassment, as defined above, violates Title VII of the Civil Rights Act of 1964, the California Government Code, and regulatory guidelines of the Equal Employment Opportunity Commission and the California Fair Employment and Housing Commission.

Section III **DEFINITION OF HARASSMENT**

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, physical handicap, medical condition, marital status, sex, or age.

2. **Physical Harassment** – For example, assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, or age.
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, physical handicap, medical conditions, marital status, sex, or age.
4. **Sexual Favors** – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which is conditioned upon an employment benefit, unreasonably interferes with an individuals' work performance or creates an offensive work environment.

Section IV **DEFINITION OF EMPLOYEE**

For purposes of this policy, an employee shall be defined as any individual, regardless of classification, employed by the City of El Segundo, or volunteers working under the supervision of the City.

Section V **PRE-GRIEVANCE PROCESS**

An employee who has been harassed on the job should inform the employer, its agents or supervisors of the grievement. The employee may first notify any of the following persons: 1) his or her supervisor; 2) his or her department head; or 3) the Director of Human Resources. Any supervisor or department head who receives a harassment complaint is to immediately notify the Director of Human Resources.

To accommodate the unique nature of harassment complaints, a pre-grievance process is provided for the primary purpose of resolution of a complaint at the earliest possible date. Elements of this process are:

Upon notification of a harassment complaint, the Director of Human Resources will:

1. Inform the complainant of his or her right to initiate a grievance proceeding pursuant to Section 18 of the City's Personnel Rules and Regulations and outline this grievance procedure for the employee;

2. Inform the complainant of his or her right to file a complaint with the California Department of Fair Employment and Housing and the United States Equal Employment Opportunity Commission;
3. 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 persons the Director of Human Resources has reason to believe have relevant knowledge concerning the complaint, such as witnesses and victims of similar conduct;
4. Review factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment; giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual, or sexual favor aspect of the advance and the context in which the alleged incidents occurred;
5. 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.
6. If harassment occurred, take and/or recommend to the appointing authority prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense and will be communicated to the victim.
7. Reasonable steps will be taken to protect the victim and other potential victims from further harassment;
8. Reasonable steps will be taken to protect the victim from any retaliation as a result of communicating the complaint.
9. Appropriate action will be taken to remedy the victim's loss, if any, which resulted from the harassment.

Section VI FORMAL GRIEVANCE PROCESS

Formal grievance procedures of the City are available for resolution of complaints alleging harassment if the complaint is not adjusted to the satisfaction of the employee in the pre-grievance process.

Time limits specified in the formal grievance procedure may be extended if pre-grievance procedures for a harassment complaint were initiated within the applicable time limits for filing a formal grievance. In these instances, if the complaint is not adjusted to the satisfaction of the employee, the time limits for filing a formal grievance should begin as of the date of notification of action taken by the Director of Human Resources.

If the employee did not initiate pre-grievance procedures within the time City wishes to know of any complaint alleging harassment as soon as possible after it occurs.

Section VII **ANTI-RETALIATION POLICY**

No employee shall retaliate against another employee because such employee has filed a complaint or instituted any proceeding under this policy, has testified or is about to testify in any such proceeding or investigation, or has provided information or assisted in an investigation. Employees found to have violated this clause may be subject to disciplinary action up to and including termination.

Section VIII **DISSEMINATION OF POLICY**

All employees, supervisors and managers shall be sent copies of this policy.