

9/22/98

**CITY OF CULVER CITY
COUNCIL POLICY STATEMENT**

Policy Number **4010**

General Subject: Employees and Officials

Date Issued 8/24/98

Specific Subject: Discrimination and
Harassment in the
Workplace

Effective Date 8/24/98

Resolution No. 98-R086

PURPOSE:

To establish City policy prohibiting illegal harassment and discrimination in the workplace, and to provide a process for investigating and resolving related complaints.

STATEMENT OF POLICY:

The City of Culver City is committed to providing a workplace free of illegal discrimination, including sexual harassment. This policy is well-established in the City's Equal Employment Opportunity Program, re-adopted periodically by the City Council, and consistent with State and Federal non-discrimination law. Copies of this policy will be provided to each employee upon hire, and periodically re-affirmed through training and bulletins.

Discrimination and harassment on the basis of age, race, color, gender, marital status, national origin, religion, political affiliation, disability and sexual orientation are illegal under state and federal laws. Discrimination is defined as an act, decision or omission affecting an employee or applicant for employment because of his/her age, race, color, gender, marital status, national origin, religion, political affiliation, disability or sexual orientation. Harassment is conduct of an abusive or hostile nature directed at another employee because he/she is a member of one or more of the categories described above. Disciplinary action may be taken against any employee for explicit or implicit behavior in violation of the law or this policy.

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature, and includes harassment of a person of the same or opposite sex. The law and policy is violated when:

- (1) submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment;
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or,

(3) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Examples of prohibited conduct include, but are not limited to:

- a. unwanted sexual advances;
- b. making or threatening reprisal after a negative response to a sexual advance;
- c. observed conduct, including: leering, sexual gestures, displaying sexually suggestive pictures, objects, cartoons, or posters;
- d. verbal conduct, including: sexually explicit jokes, comments, epithets, or slurs;
- e. verbal comments of a sexual nature, graphic comments about an individual's body, sexually degrading words to describe an individual, or sexually suggestive or obscene letters, notes or invitations;
- f. physical contact of a sexual nature, including touching, assault, or blocking or impeding movements;
- g. requiring a sexual favor in exchange for job benefits.

Consistent with this policy and the law, disciplinary action for sexual harassment shall be taken if any supervisor or employee engages in any explicit or implicit behavior as described in, but not limited to, the examples cited above. Employees and supervisors are also warned that any reprisal, or implicit or explicit threat of reprisal, following rejection of sexual conduct or overtures, or following the filing of a complaint regarding such conduct or overtures, or for participation in an investigation of alleged sexual harassment, shall be considered retaliation and a violation of this policy and current law. The City considers sexual harassment to be a serious offense which can result in appropriate disciplinary action, up to and including dismissal from employment. On-the-job conduct must be professional, courteous and free of harassment and discrimination. Supervisors and managers will be held responsible for maintaining a harassment-free workplace.

PROCEDURES

Any employee or applicant who feels that he/she has been discriminated against on the basis of age, race, color, gender, marital status, national origin, religion, political affiliation, disability or sexual orientation, including access to employment or public services, or who feels he/she is the victim of illegal harassment, should report such incidents without fear of reprisal to the Personnel Department. Complaints against the Community Development Director, Human Services Director, Public Works Director/City Engineer, Police Chief, Fire Chief, Transportation Director, the elected City Clerk or City Treasurer, a City Council Member, Chief Administrative Officer, Assistant Administrative Officer, City Attorney, or Personnel Director should be made

to the City Council. To the extent possible, confidentiality will be maintained, if so requested by the complaining party or any witnesses.

When an employee submits a complaint, the Personnel Director shall ensure that a prompt, complete and objective investigation is undertaken. A complaint, submitted formally or informally, must be investigated, even if the employee requests that no action be taken.

Investigations of sworn police personnel will be conducted consistent with the provisions of the Public Safety Officers' Procedural Bill of Rights (Government Code Sections 3300-3311.).

If the complaint is lodged against an elected official or one of the enumerated persons in the preceding paragraph, the City Council will refer the matter to the Personnel Director to initiate an investigation (unless he/she is the subject of the complaint, in which case the complaint will be investigated by the City Attorney). Such investigation may be done by a neutral or outside person qualified to investigate such complaints, which may include a representative of the City Attorney's office. All persons with information regarding the matter will be interviewed, and employees interviewed will be protected from reprisal. In determining whether the alleged conduct constitutes a violation of this policy, the totality of the circumstances, the nature of the act, and the context in which the alleged incident occurred will be investigated.

A determination will be made and the results communicated to the complainant(s), the alleged harasser(s), the City Council (if the complaint was filed through the Council), and the appointing authority or Department Head. If disciplinary action is recommended, the appropriate appointing authority shall be responsible for taking prompt action.

In addition to possible disciplinary action, the appointing authority will take necessary steps to prevent further discrimination or harassment. Pursuant to State law, appropriate action will also be taken to remedy any loss suffered by the complainant.

If the complaining party is not satisfied with the results of the City's investigation, he/she may contact the California Department of Fair Employment and Housing (DFEH).

Dissemination of Policy

This policy shall be distributed to all City employees by the Personnel Department upon hire. Thereafter, each department shall be responsible for distribution and discussion of this policy on an annual basis (e.g., during annual performance reviews, or as part of periodic department staff meetings and training), and for documenting the distribution and receipt of policy information. Training will be coordinated by the Personnel Department or City Attorney's Office.