

<p align="center">City of Petaluma, CA Administrative Policy</p>	<p>Number: Established Date: 04-07-97 Last Revision Date: 07-19-04</p>
<p>Subject: Prevention of Workplace Harassment Policy</p>	<p>Authority: City Manager <i>Michael A. Bierman</i> City Manager</p>

I. PURPOSE :

The City of Petaluma is committed to providing an environment that is free from harassment of any kind, including sexual harassment and harassment based on race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, gender (or gender identity) or any other characteristic prohibited by state or federal law. Therefore, it is important that the City maintain an atmosphere characterized by mutual respect in order to assure fair, courteous treatment for employees and the public.

II. UNLAWFUL HARASSMENT AND RETALIATION:

The City strongly disapproves of and will not tolerate unlawful harassment of City employees or applicants by elected or appointed officials, managers, supervisors or coworkers. The City also strongly disapproves of unlawful harassment of City employees by persons with whom the City has a business, service or professional relationship.

Sexual harassment and illegal discrimination are considered serious acts of misconduct and shall not be tolerated. Employees who violate this policy and engage in acts of sexual harassment or illegal discrimination of any type, for any duration, shall be subject to severe disciplinary action, up to and including termination.

Retaliation against individuals who complain of sexual harassment or any type of prohibited discrimination or who participate in an investigation into sexual harassment or discrimination shall not be tolerated. Employees who engage in such acts of retaliation shall be subject to serious disciplinary action, up to and including termination.

III. HARASSMENT PROHIBITED:

Harassment on the basis of race, religion, creed, political affiliation, color, national origin, ancestry, sex, sexual orientation, gender (or gender identity), age, familial status, or mental or physical disability is prohibited. Verbal or physical conduct relating to these categories constitutes harassment when it:

- (A) Has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- (B) Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- (C) Otherwise adversely affects an individual's employment opportunities.

IV. SEXUAL HARASSMENT:

Sexual harassment is a form of unlawful sex discrimination and will not be tolerated by the City. Federal and State guidelines provide that unwelcome sexual advances, requests for sexual favors and other verbal, visual, or physical conduct of a sexual nature constitute unlawful harassment when:

- (A) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (B) The submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (C) Sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature has the purpose or effect of unreasonably interfering with an employee's work performance or of creating an intimidating, hostile, or offensive work environment.

Sexual harassment does not refer to occasional compliments or other behavior of a socially acceptable nature. It refers to conduct that is not welcome, that is offensive, that fails to respect the rights and dignity of others, that lowers morale and that, therefore, interferes with work effectiveness.

V. TYPES OF UNLAWFUL HARASSMENT:

Unlawful harassing conduct can take many forms and includes, but is not limited to the following:

- (A) Speech, such as slurs, jokes, stories, statements, epithets, derogatory comments, unwanted sexual advances or invitations, inappropriate comments on appearance (including dress or physical features) based on sex, race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation or gender (or gender identity).
- (B) Visual conduct, such as derogatory posters, cartoons, drawings, e-mail, or gestures based on sex, race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation or gender (or gender identity).
- (C) Physical acts, such as offensive touching, assault, or any physical interference with normal work or movement when directed at an individual on the basis of sex, race, color, religion, national origin, ancestry, age, physical disability, mental

disability, mental condition, marital status, sexual orientation or gender (gender identity).

(D) Threats and demands to submit to sexual request in order to keep one's job or avoid some other loss, and offers of job benefits in return for sexual favors.

(E) Retaliation for having reported unlawful harassment.

VI. REPORTING UNLAWFUL HARASSMENT:

(A) Any employee who believes he or she has been unlawfully harassed should promptly report it orally or in writing to his or her supervisor, the Department Director, or the Department of Human Resources.

An employee is not required to complain first to a supervisor, the Department Director or the Department of Human Resources if that person is the individual who is harassing the employee. Instead, the employee may report the harassment to any member of management.

(B) Any supervisor or manager who receives a complaint of unlawful harassment or who observes or otherwise learns about unlawfully harassing conduct shall notify the Department Director, who shall promptly notify the Director of Human Resources of the complaint or allegation of unlawful harassment.

VII. INVESTIGATION PROCEDURE:

All complaints of unlawful harassment or discrimination shall be treated seriously. The appropriate Department Director or the Director of Human Resources shall take the necessary steps to initiate an investigation of the allegations as quickly as reasonably possible after the allegations and/or observations are made. With the prior approval of the Director of Human Resources, the Department may conduct the investigation. Otherwise, all investigation shall be conducted and/or coordinated by the Department of Human Resources.

VIII. REMEDIAL ACTION:

(A) If harassment or discrimination is found to have occurred in violation of this policy, the City shall take appropriate action to ensure or confirm that the harassment or discrimination at issue is stopped. The City may take whatever measures are appropriate to ensure its workplaces remain free from unlawful discrimination or harassment.

(B) Employees found to have engaged in discrimination or harassment covered by this policy may be subject to disciplinary action up to and including termination of employment.

(C) Employees found to have been dishonest or uncooperative during an investigation into allegations of unlawful harassment may be subject to disciplinary action up to and including termination of employment.

IX. RETALIATION PROHIBITED:

Employees should feel free to report valid claims of unlawful harassment without fear of retaliation of any kind. The City will not tolerate retaliation against employees for making any complaint of unlawful harassment in good faith, or against any employee for cooperating in an investigation. Employees should report any acts of retaliation using the reporting procedures in Section VI of this policy.

X. DFEH AND EEOC:

(A) In addition to notifying the City about unlawful harassment or retaliation, an affected employee may also direct his or her complaint to the California Department of Fair Employment and Housing ("DFEH").

(B) An employee also has the right to direct his or her complaint to the federal Equal Employment Opportunity Commission (EEOC).

XI. DISSEMINATION OF POLICY:

Copies of the City's Prevention of Workplace Harassment Policy, which include these complaint procedures, shall be provided to all employees of the City upon issuance, and to all new employees at the time of hiring.

XII. OBLIGATION OF EMPLOYEES:

Employees are responsible for knowing the City's policy on nondiscrimination; refraining from discriminatory behavior, including harassment; reporting incidents of harassment, discrimination and/or retaliation in a timely fashion; cooperating in any investigation concerning allegations of harassment, discrimination and retaliation; *and* maintaining confidentiality concerning any investigation that is conducted.