

822. Respectful Workplace Policy

The City is committed to creating a respectful and professional work environment that is free of discrimination, harassment, and retaliation to promote productive working relationships. Discrimination, harassment, and retaliation in any form constitutes misconduct that will not be tolerated. This policy prohibits all such misconduct that could be unlawful, as well as misconduct that may not rise to the level of being unlawful but is inappropriate, based on protected status.

.1 Definitions: the following words as used in this policy have the following meanings:

Protected Status

Race, color, sex, age, religion, national origin, disability, political beliefs, sexual orientation, gender identity, or gender expression. However, this policy does not confer any rights to employees that are not afforded by law.

Discrimination

Treating a person or group less favorably on the basis of protected status (as defined above and at §829).

Harassment

Unwelcome or inappropriate conduct related to the individual's protected status that objectively creates a hostile or offensive work environment or results in a negative employment action (such as discipline). Types of conduct considered unacceptable and therefore prohibited (even if not unlawful) may include offensive jokes, slurs, name-calling, threats or assaults, intimidation, ridicule, insults, offensive objects, gestures, or pictures, and interference with work performance. However, petty slights, annoyances, minor or isolated incidents typically do not violate the policy.

Sexual Harassment

A type of harassment focused on unwelcome conduct or comments based on sex (including pregnancy, sexual orientation, or gender identity) that objectively create a hostile or offensive work environment or result in a negative employment action (such as discipline). Types of conduct considered unacceptable and therefore prohibited (even if not unlawful) include unwelcome sexual advances, requests for sexual favors, offensive comments about gender (including comments that are not sexual in nature) or other offensive conduct based on sex.

Retaliation

Treating an individual less favorably because the employee made a good faith report or participated in a claim, investigation or lawsuit related to discrimination, harassment, or retaliation or opposed such misconduct.

.2 Employee Responsibilities

- .21 Employees are required to comply with the policy. Failure to do so may result in disciplinary action, up to and including termination.
- .22 Employees have the right to work free from discrimination, harassment, or retaliation based on protected status, including from such misconduct by elected or appointed City officials, vendors, and the public. Employees also have the right to make a good faith report of any such misconduct without fear of retaliation.
- .23 Employees who believe that they have been subjected to any type of possible discrimination, harassment, or retaliation based on protected status, they are encouraged (but not required) when appropriate to address their concerns immediately with the offending party. Employees who do not address it with the offending party, or they do, and it does not resolve the issue, should report the conduct within five (5) work days to their choice of one of the following:
 - The employee's immediate supervisor;
 - Any supervisor in the employee's chain of command;
 - A department manager or department head;
 - The Personnel Director or designee; or
 - The City's Ethics Hotline
- .24 Employees are required to cooperate and provide truthful information in any investigation under this policy. Once a complaint is reported, employees should not discuss the matter outside the investigation. Failure to maintain confidentiality or otherwise interfere while the investigation is ongoing could result in disciplinary action, up to and including termination.
- .25 Employees who file false or malicious allegations of discrimination, harassment, or retaliation are subject to disciplinary action up to and including termination.
- .26 Employees also can file discrimination, harassment, or retaliation complaints with external agencies or authorities.

.3 Manager and Supervisor Responsibilities

- .31 Managers and supervisors are required to comply with this policy as well as to implement it to assure that employees comply. Any supervisor or manager who becomes aware of possible discrimination, harassment, retaliation or other misconduct and condones it by action or inaction or fails to comply with this policy is subject to disciplinary action, up to and including termination.
- .32 Managers and supervisors should support this policy by reinforcing the requirements to employees and training them that misconduct such as inappropriate jokes, slurs or other negative comments based on protected

status will not be tolerated (although employees are required to comply regardless of whether the manager or supervisor reinforces the requirements). Managers and supervisors must take immediate action to stop and prevent possible discrimination, harassment or retaliation. They are expected to monitor the workplace and be alert for any signs of misconduct or hostility toward an individual or group because of protected status. They must be aware not to give tacit approval of such misconduct, for example, by laughing, ignoring, or treating it as a joke, or advising the employee not to complain or to report it.

- .33 Managers or supervisors who see, hear, encounter or otherwise become aware of potential misconduct or complaint related to possible discrimination, harassment or retaliation, regardless of the department in which it occurred, must report it to the Personnel Director or designee in writing, as soon as possible but at least within two (2) work days.
- .34 Managers and supervisors are not to conduct their own investigation and instead must report the matter to the Personnel Director, even if the employee(s) involved requests confidentiality or do not want to make a complaint to the Personnel Director.
- .35 If the Personnel Director's investigation substantiates misconduct related to protected status, the department head is required to take appropriate corrective or disciplinary action consistent with the direction of the Personnel Director.

.4 Investigations Responsibilities

- .41 The Personnel Director or designee will conduct a prompt and impartial investigation of complaints filed under this policy.
- .42 The investigation will be kept as confidential as possible to protect the employees reporting the matter or participating in the investigation, to the extent consistent with conducting an effective investigation and taking any appropriate corrective action.
- .43 The Personnel Director or designee will advise the department head and any others deemed appropriate of the outcome of the investigation and any appropriate corrective or disciplinary action to be taken.
- .44 The final status of the complaint (but not necessarily the detailed results) will be communicated to the reporting employee and to any others the Personnel Director deems appropriate.