ADMINISTRATIVE REGULATION

Office of the City Administrator

Number:	**412**
Sections:	**1-8**
Effective Date:	**March 1, 1991**
Revised Date:	**October 5, 1999**
	March 21, 2005

SUBJECT: Harassment in Employment Policy

1. Purpose:

   1.1 To establish a City policy regarding the prohibition of harassment in the workplace and/or while engaged in any activity on behalf of the City of Huntington Beach.

   1.2 To fully inform all elected officials, officers, members of advisory boards, commissions and committees of the City of Huntington Beach, employees, department heads, managers, supervisors of the City, that any form of harassment in the workplace will not be tolerated or condoned.

   1.3 To inform elected officials, officers, members of advisory boards, commissions and committees of the City of Huntington Beach and all City employees of their rights if they believe they have been a victim of harassment and,

   1.4 To provide a means for prompt reporting and a full and effective investigation of all complaints <u>and</u> provide for remedial action against those who engage in harassment as prohibited by this regulation.

2. Authority:

   Section 401, Huntington Beach Charter. City of Huntington Beach Code of Ethics. Title VII of the United States Civil Rights Act. Guidelines of the Equal Employment Opportunity Commission and the California Fair Employment and Housing Act Commission (Government Code subsection 12900-12940 et. seq. Fair Employment and Housing Act).

   State of California Department of Fair Employment and Housing Commission
   28 Civic Center Plaza, Room 538
   Santa Ana, CA 92701-4010
   (714) 558-4159

3. Application:

   This regulation applies to all elected officials, members of advisory boards, commissions and committees of the City of Huntington Beach and all departments, and employees of the City of Huntington Beach.

4. Definition of Harassment. Harassment includes, but is not limited to:

   4.1 Verbal Harassment – Epithets, derogatory comments, slurs and lewd propositioning on the basis of race, religious creed, color, national origin, ancestry, disability, medical conditions, marital status, sex, sexual orientation, or age. Examples include, but are not limited to, inappropriate sexually-oriented comments on appearance, including dress or physical features, or race-oriented stories and jokes.

   4.2 Physical Harassment - 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, disability, medical conditions, marital status, sex, sexual orientation, or age. Examples include, but are not limited to, pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

   4.3 Visual Forms of Harassment – Derogatory posters, notices, bulletins, cartoons or drawings on the basis of race, religious creed, color, national origin, ancestry, disability, medical conditions, marital status, sex, sexual orientation, or age.

   4.4 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 individual's work performance or creates an offensive work environment. By definition, sexual harassment is not within the course and scope of an individual's appointment and/or employment with the City of Huntington Beach.

   4.5 Definition of Employee - An employee shall be defined as any individual, regardless of classification, employed by the City of Huntington Beach, person providing services pursuant to a contract, or volunteers working under the supervision of the City.

5. Policy:

   Harassment of an applicant or employee by an elected official, officer, member of advisory boards, commissions and committees of the City of Huntington Beach, management employee, supervisor or co-worker on the basis of race, religious creed, color, national origin, ancestry, disability, medical conditions, marital status, sex, sexual orientation, or age is prohibited and 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, training opportunities, and compensation. The policy also applies to outside contractors, customers, and constituents.

Employees who violate this Policy will be subject to disciplinary action, up to and including termination from employment. Any official found to be in violation of this Policy may be subject to censure by the City Council. Any member of an advisory board, commission, or committee found to be in violation of this Policy may be subject to dismissal from appointment.

6. Responsibility:

The City Administrator, department heads and their designated representatives shall be responsible for implementation of this policy against harassment in the workplace.

A copy of this Policy shall be provided to all elected officials, officers, members of advisory boards, commissions and committees of the City of Huntington Beach and all City employees.

A copy of the information sheet on sexual harassment prepared by the Department of Fair Employment and Housing is available to all elected officials, officers, members of advisory boards, commissions and committees of the City of Huntington Beach and all City employees upon request.

The Human Resources Manager shall make available upon request information from the Department of Fair Employment and Housing and the Equal Employment Opportunity Commission about filing claims of discriminatory harassment with these entities.

A copy of this Policy shall appear in any publication, which sets forth the comprehensive rules, regulations, procedures, and standard of conduct for employees.

All City officials, officers, members of advisory boards, commissions and committees of the City of Huntington Beach and all City employees shall receive periodic training on this Policy.

Supervisors and manager shall take corrective action up to and including recommending termination from employment, if they learn of a subordinate employee who is violating this Policy.

7. Complaint Procedure:

An employee who has been harassed on the job should inform his/her employer, its agents or supervisors or the Human Resources Manager of the alleged harassment. The employee may first notify any of the following persons: his/her supervisor, his/her department head, the City Administrator. These officials will treat the complaint confidentially and immediately forward any written complaint to the Human Resources Manager for investigation and action.

To accommodate the unique nature of harassment complaints, a process is provided for the primary purpose of resolution of a complaint at the earliest possible date. Elements of this process are as listed below.

Upon notification of a complaint, the Human Resources Manager will:

7.1 Inform the complainant of his/her right to initiate a complaint.

7.2 Notify the appropriate department head of the complainant and authorize the investigation of the complaint and supervise and/or investigate the complaint. All investigations should be conducted as confidentially as possible and will include interviews with:

A. The complainant.

B. The alleged harasser.

C. Any other persons the Human Resources Manager has reason to believe have relevant knowledge concerning the complainant, such as witnesses and victims of similar conduct.

D. Review factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, giving consideration to all factual information including the nature of the verbal, physical, visual or sexual circumstances surrounding the conduct and the circumstances in which the alleged incidents occurred.

7.3 Report the results of the investigation and the determination, as to whether harassment occurred to appropriate persons including the complainant, the alleged harasser, the supervisor, department head, and the City Administrator.

7.4 If it is determined that harassment occurred, recommend to the appointing authority the appropriate disciplinary and remedial action to be taken. The appropriate action will be commensurate with the severity of the offense and will be communicated to the complainant/victim.

7.5 Reasonable steps will be taken to protect the victim and other potential victims from further harassment.

7.6 Reasonable steps will be taken to protect the victim from any retaliation, as a result of communicating the complainant.

7.7 Appropriate action will be taken to remedy the victim's loss, if any, which resulted from the harassment.

8. Dissemination of Policy: This Policy will be disseminated to all elected officials, officers, members of advisory boards, commissions and committees of the City of Huntington Beach and all managers, supervisors, and employees.

I have read and understand the Harassment in Employment Policy, AR 412. I understand that harassment in the workplace on the basis of race, religious creed, color, national origin, ancestry, disability, medical conditions, marital status, sex, sexual orientation, or age will not be tolerated by the City of Huntington Beach.

_____ Date:_____
(Signed)

Printed Name: _____

Penelope Culbreth-Graft, City Administrator