



ADMINISTRATIVE REGULATION

OFFICE OF THE CITY MANAGER

Number	922
Responsible Department	Human Resources Department
Established/Effective Date	March 1, 1991 October 5, 1999 - Revised March 21, 2005 - Revised
Latest Revision Date	July 30, 2023
Next Review & Reauthorization Date	July 30, 2025

SUBJECT: Anti-Harassment, Discrimination, and Retaliation Policy

1. **Purpose:** The purpose of this policy is to clarify roles and responsibilities of City employees and officials, and inform them of their right to work in a safe, respectful and professional work environment, free of harassment, discrimination, and retaliation.
 - 1.1. To establish a City policy regarding the prohibition of harassment, discrimination, and retaliation in the workplace as required by the Equal Employment Opportunity Commission (EEOC) and California Fair Employment and Housing Act (FEHA) and any related laws and regulations,
 - 1.2. A single act by a City employee may constitute a violation of this policy and provide sufficient grounds for the City to discipline the City employee.
 - 1.3. This policy establishes a complaint procedure by which the City will investigate and resolve complaints of discrimination, harassment, and retaliation by and against City covered individuals. The City encourages all covered individuals to report any conduct that they believe violates this policy as soon as possible.
2. **Authority:**
 - Section 401 of the Huntington Beach City Charter
 - City of Huntington Beach [Code of Ethics](#)
 - City of Huntington Beach Police Department – Policy Manual (#1059 Anti-Retaliation)
 - Title VII of the United States Civil Rights Act
 - Guidelines of the Equal Employment Opportunity Commission (EEOC)
 - The California Fair Employment and Housing Act (FEHA - [California Government Code subsection 12900-12996 et seq.](#) and California Code of Regulations, Title 2, Sections 11000 through 11141)
 - [AB1234 Public Service Ethics](#)
 - [AB1661 Local Government: Sexual Harassment Training and Education](#)
 - [SB1343 Employers: Sexual Harassment Training Requirements](#)



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3. **Application:** This policy applies to all elected officials, members of Boards, Commissions, Committees and advisory bodies, all departments, and employees of the City of Huntington Beach. For employees of the Huntington Beach Police Department, its Policy Manual (Policy #1059 Anti-Retaliation) also serves as an important policy guideline.
4. **Definitions:**
- 4.1. **Abusive Behavior/Bullying:** Repeated and unreasonable actions of one or more persons that are offensive, humiliating, intimidating, and/or threatening that may involve various types of abuse.
- 4.2. **Protected Status:** Any one or more of the following: race, color, ancestry, national origin, religion, creed, age (40 or over), physical and/or mental disability, sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), sexual orientation, gender identity, gender expression, medical condition, genetic information, marital status, military or veteran status, or any other category/status protected by federal and/or state statutes.
- 4.3. **Discrimination:** Unlawful discrimination is the unjust or prejudicial treatment of individuals based on their *actual or perceived* membership in a protected class. An action, practice, or policy that has an adverse impact on an individual or group's employment or terms and conditions of employment for reasons related to a protected class.
- 4.4. **Harassment:** Behavior which is not welcome; objectively offensive, debilitates morale and/or, has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment because of the individual's *actual or perceived* Protected Status. Harassment includes, but is not limited to, the following conduct:
- 4.3.1 Derogatory, offensive or inappropriate speech, such as epithets, slurs or stereotypical comments, or verbal propositions made on the basis of the individual's Protected Status. This includes, but is not limited to, comments, stories, and jokes about appearance, dress, physical features, gender identification, and race.
- 4.3.2 Physical acts, such as assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement. This includes, but is not limited to, pinching, grabbing, patting, or making explicit or implied job threats or promises in return for submission to physical acts.
- 4.3.3 Visual acts, such as derogatory, offensive or inappropriate, posters, cartoons, emails, pictures or drawings related to a Protected Status.
- 4.3.4 Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where



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submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

4.4 Retaliation: Any adverse employment action taken against an applicant or employee because that person engaged in activity protected under this policy or reasonably thought to be protected under this policy.

"Adverse action" may include, but is not limited to, the following actions:

(1) disciplinary action; (2) counseling; (3) taking sides because an individual has reported harassment or discrimination; (4) spreading rumors about a complainant or about someone who supports or assists the complainant or who participates in the investigation; (5) shunning or avoiding an individual who reports harassment or discrimination; or (6) making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

5. Policy:

The City of Huntington Beach is committed to creating and maintaining a work environment where people are treated with dignity, respect, and civility and to complying with applicable state and federal laws.

5.1. Zero Tolerance Against Prohibited Conduct

5.1.1. *Discrimination and Harassment:* The City prohibits and will not tolerate any form of harassment and discrimination on the basis of *actual or perceived* Protected Status outlined in 4.2. The City will take prompt and effective action in response to alleged violations of this policy.

5.1.2. *Retaliation:* The City prohibits retaliation against any individual who reports/files a complaint, participates in an investigation or proceeding related to a potential violation of this policy, or serves as an investigator of the complaint. No tangible hardship, loss, or penalty may be imposed on such individual.

It is the shared responsibility of all parties to contribute to and foster a respectful workplace, free from harassment and discrimination. As such, the City takes a proactive approach to potential policy violations and will respond and investigate if supervisory or management employees become aware that harassment, discrimination, or retaliation occurred or may be occurring, regardless of whether the recipient or third party reports a potential violation.

5.2. Required Training



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All City Council members, elected and appointed officials, and all employees of the City of Huntington Beach must complete State-mandated harassment prevention training and submit the certificate of completion to appropriate City staff within three (3) months of appointment and every two years thereafter.

5.3. Violation of this Policy

Violations of this policy, including false complaints, will not be tolerated. Those 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 or removal by the City Council. Any member of an advisory Board, Commission, or Committee found to be in violation in this policy may be subject to dismissal by the City Council.

6. Responsibilities:

6.1. The City Manager shall be responsible for disseminating, communicating, and effectively implementing this policy throughout the organization.

6.2. Human Resources shall be responsible for:

- 6.2.1. Providing information (e.g., posting informational posters at City facilities) and informing employees about their rights, including filing a complaint with the appropriate state or federal agency at any time.
- 6.2.2. Coordinating and ensuring all employees complete required trainings and keeping a record of their Certificates of Completion per the City's Record Retention Guideline.
- 6.2.3. Taking appropriate actions for investigation upon the receipt of complaints.

6.3. The City Clerk's Office shall be responsible for obtaining and filing the Certificates of Completion from City Council members and elected officials for required trainings per the City's Record Retention Guideline.

6.4. The City Attorney's Office shall be responsible for providing harassment trainings to City employees and officials in coordination with Human Resources, and providing legal advice and remedies as required.

6.5. Department Heads, Supervisors, and Managers shall be responsible for:

- 6.5.1. Promoting and enforcing the City's commitment to providing a safe and respectful workplace and continuously modeling appropriate behavior and recognizing those that embody dignity, respect, and civility.
- 6.5.2. Through Staff Liaisons to the City's Boards, Commissions, and Committees (BCCs), providing the appointed citizen officials with a copy of this AR 922 and obtaining the City's Policy Acknowledgement of Receipt Form (Attachment 1) within 3 months of their appointment.



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- 6.5.3. Ensuring that their respective members of BCC complete required training per this regulation and State law and filing it accordingly.
 - 6.5.4. Taking all steps necessary to prevent harassment, discrimination, and retaliation from occurring, including, but not limited to, monitoring the work environment and taking immediate and appropriate action to stop violations.
 - 6.5.5. Taking employee concerns and complaints seriously and taking affirmative steps in a prompt, impartial, and confidential manner when offensive conduct comes to their attention.
 - 6.5.6. Taking reasonable steps to address requests made under the duty to accommodate and documenting the steps taken to resolve the complaints. Participating in resolution activities related to this policy.
 - 6.5.7. Following up with those who have complained to ensure that the offensive conduct about which they complained has stopped, and that there have been no reprisals or retaliation or threats of reprisals or retaliation.
- 6.6. All Employees and Officials - It is the shared responsibility of all parties to contribute to and foster a respectful workplace, free from harassment and discrimination. Such responsibility includes, but is not limited to:
- 6.6.1. Ensuring one's actions and words contribute to a respectful workplace, when working with employees and the public, and are consistent with the intent of this policy and the accompanying procedures.
 - 6.6.2. Not participating in, encouraging, and/or supporting any bullying, harassing, discriminatory or disrespectful behavior.
 - 6.6.3. Accepting responsibility for one's own actions, reactions, behaviors, and the impact those may have on others.
 - 6.6.4. Reporting one's concerns to a supervisor, Human Resources, and/or any other person or group identified in the related procedures.
 - 6.6.5. Contributing to an environment in which employees can report concerns about discrimination and harassment without fear of retaliation and adhering to expectations of confidentiality as outlined in any procedures.
 - 6.6.6. Ensuring one does not participate in retaliatory behavior against someone who has made a complaint or participated in an investigation.
 - 6.6.7. Participating in good faith in any procedures and training associated with this policy.

7. Complaint Resolution Procedures:

- 7.1 Any individuals who experience or witness prohibited discrimination, harassment, or retaliation in the workplace, shall notify their direct supervisor, Department Head, the City Manager, or Director of Human Resources of the alleged harassment and/or discrimination.



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- 7.2 Supervisors, Department Heads, and the City Manager will treat the complaint seriously and confidentially, and immediately forward any complaint to the Director of Human Resources for investigation and action.
- 7.3 Upon the receipt of the complaint, the Human Resources Director or designee will:
- 7.3.1 Inform the complainant(s) of their rights to initiate a complaint and the procedure. This may include filing a complaint with the California Civil Rights Department **within one year** of the last act of discrimination/harassment or the Equal Employment Opportunity Commission (EEOC).
 - 7.3.2 Authorize the investigation of the complaint internally or by a third party. All investigations should be conducted as confidentially as possible and will include interviews with:
 - The complainant,
 - The accused,
 - Any other persons that the Human Resources has reason to believe have relevant knowledge concerning the complaint, such as witnesses and victims of similar conduct.
 - 7.3.3 Review factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination and/or harassment, giving consideration to all factual information including the circumstances in which the alleged incidents occurred.
 - 7.3.4 Ensure documentation and tracking for reasonable progress.
 - 7.3.5 Report the results of the investigation and the findings to the appropriate individuals.
 - 7.3.6 If it is determined that harassment occurred, recommend to the appropriate authority (if applicable, law enforcement) the disciplinary and remedial action to be taken. The appropriate action will be commensurate with the severity of the offense.
 - 7.3.7 Take reasonable and appropriate steps to protect the victim and complainant from further discrimination, harassment and/or retaliation.
 - 7.3.8 When necessary, Human Resources may engage an outside investigator to conduct an investigation.
 - 7.3.9 Ensure timely closure of the complaint and inform the complainant that the investigation has concluded.
- 7.4 If the complaint is related to any elected officials or appointed members of the Boards, Commissions, or Committees, the City Manager or their designee shall be notified.
- 7.5 The process in this AR shall not serve as an appeal following the disposition of an administrative decision (grievances pursuant to Personnel Rules or a collective bargaining agreement, or discrimination charges filed with the California Civil Rights Department or EEOC).



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Attachment 1:


- The City's Policy Acknowledgement of Receipt Form

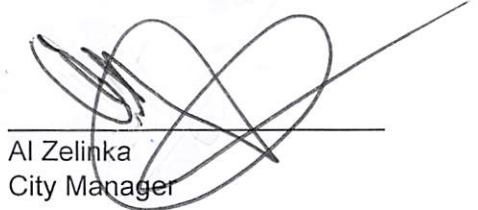
Distribution:

All employees may access the Administrative Regulations via the SurfNet or City website:

www.huntingtonbeachca.gov/AR


Therese St. Peter
Interim Director of Human Resources


Approved as to Form
Michael Gates, City Attorney


Al Zelinka
City Manager

Review Schedule

REVIEW DATE	DEPT. HEAD INITIAL	CITY MANAGER SIGNATURE