POLICY TITLE DISCRIMINATION AND HARASSMENT POLICY

POLICY STATEMENT:

It is the policy of the City of Santa Cruz to maintain and promote a working environment free from discrimination and harassment; and to provide all current and prospective employees with equal opportunity in employment regardless of race, creed, color, national origin, ancestry, religion, disability, medical condition, sex, gender (including gender identity and gender expression), physical characteristics, marital status, age, sexual orientation, organizational affiliation or veteran status (later referred to as "Protected Categories").

This policy pertains to all aspects of employment with the City or the application for employment with the City including, but not limited to, recruitment, selection, placement, assignment, compensation, benefits, training, transfer, promotion, evaluation, discipline, and termination.

Definitions:

<u>Discrimination</u> as used in this policy is defined as the treatment or consideration of, or making a distinction in favor of or against, an employee on the basis of the above listed protected categories including but not limited to any of the following forms:

- a) basing an employment decision on job applicant's or employee's protected status
- b) treating an applicant or employee differently with regard to any aspect of employment because of their protected status
- c) engaging in harassment, as more specifically defined below
- d) taking adverse employment action (i.e. demotion, transfer, discipline, termination) against an employee based on the employee opposing discrimination in the workplace; assisting, supporting or associating with a member of a protected category who complains about discrimination, or assisting in an investigation of discrimination.

<u>Harassment</u> as used in this policy is defined as the persistent disturbance or irritation of an employee on the basis of the above listed protected categories including but not limited to any of the following forms:

- a) verbal harassment such as epithets, derogatory comments or slurs;
- b) physical acts such as assault, impeding or blocking movement;
- c) visual insults such as derogatory posters, drawings or photographs;
- d) unwanted sexual advances, requests for sexual favors and other acts of a sexual nature.

Employee as used in this policy is defined as an individual performing business activities

under direct supervision of another City employee and includes full time, part time, temporary employees and volunteers.

<u>Equal Employment Opportunity Committee (EEOC)</u> as used in this policy is an advisory body consisting of nine (9) members including representatives from the community appointed by the City Council, employees appointed by the City Manager and employees appointed by various labor groups

Responsibilities:

- 1. <u>The City of Santa Cruz</u> shall take reasonable steps to prevent discrimination and harassment from occurring in the employment environment, including the following:
- a) affirmatively raising the subject of discrimination and harassment;
- b) expressing strong disapproval;
- c) maintaining and developing appropriate sanctions;
- d) informing employees of their right to raise and how to raise the issue of discrimination and harassment under the law;
- e) maintaining and developing methods to sensitize all concerned.

Such discrimination or harassment shall not be tolerated, condoned or trivialized. The City is committed to take action (against any harasser) which will end the discriminating or harassing conduct. If a City employee, the harasser shall be subjected to appropriate discipline, including possible dismissal, upon consideration of the findings and recommendations of the City Manager or his/her representative.

- <u>2. The City Manager</u> shall fully accept and support the City's commitment to prevent discrimination and harassment as a means to assure full equal employment opportunity for all prospective and current employees including the following:
- a) defining and assigning specific responsibilities throughout the organization for the development, implementation, and monitoring of this policy;
- b) appointing one department head and three employee representatives to the EEO Committee;
- c) ensuring all department heads support this policy;
- d) reviewing the recommendations of the EEO Coordinator on the resolution of complaints appealed under the Administrative Procedure Order APO) Discrimination/Harassment Policy Implementation and Complaint Procedure, and making final decisions in each such complaint;
- e) ensuring that an EEO Report is completed and submitted annually to the City Council.
- 3. The Administrative Services Department (ASD) Director shall be responsible for:
- a) ensuring that this policy, its definition of discrimination and harassment, and the complaint procedures are disseminated to all employees;
- b) providing guidance, training sessions and assistance to department heads, managers, supervisors and employees on dealing with discrimination and harassment within their areas of responsibility;
- c) investigating, resolving and making findings and recommendations on complaints of

- discrimination and harassment that are reported according to established informal and formal grievance procedures as set forth in Administrative Procedure Order (APO) Discrimination/Harassment Policy Implementation and Complaint Procedure;
- d) coordinating the annual EEO report, to include data on the make-up of the City workforce and the representation of protected classes, distributing the report to the City Council, City staff, the public and federal and state agencies as requested or required;
- e) regularly reviewing and revising personnel policies, procedures, and practices to eliminate non-job-related criteria, minimize the opportunity for discrimination and harassment, and ensure compliance with all legal requirements for equal employment opportunity; designing, implementing, and monitoring a recruitment program to draw all qualified applicants;
- f) designating an EEO Coordinator, who will assist the ASD Director with EEO related activities and staff the EEO Committee.
- 4. Department Heads, Managers and Supervisors shall all be responsible for:
- a) giving their full support to this policy through active cooperation, leadership, and personal example;
- b) informing employees in their respective departments or areas of responsibility of their rights and responsibilities regarding discrimination and harassment under this policy;
- c) ensuring that their employees have equal access to training and promotional opportunities;
- d) acting to prevent discrimination and harassment of any employee;
- e) cooperating with the ASD Director in resolving complaints involving employees in their respective departments.
- <u>5. Employees of the City</u> shall be responsible for lending their personal support and cooperation in maintaining equal employment opportunities in the City. Employees shall cooperate fully with all investigations of discrimination and harassment and implementation of remedial measures and shall not retaliate against complainants or witnesses. All employees shall attend sexual harassment and cultural diversity training.
- <u>6. The EEOC</u> shall act in an advisory capacity to the City Council in all matters pertaining to EEO and be responsible for serving as a communication channel between City employees, the community, the City Manager, and the EEO Coordinator on any EEO activities and concerns.

Additional Applications and Considerations:

- Complaints may be filed by any individual who feels discriminated against or harassed, or a representative of their choice, on their behalf. The procedure for resolving complaints alleging discrimination or harassment are set forth in APO Discrimination/Harassment Policy Implementation and Complaint Procedure.
- Contracts with the City of Santa Cruz which contain an equal employment opportunity/non-discrimination clause shall also include language which requires those contractors to be responsible for ensuring that effective policies and

procedures concerning the prevention of discrimination and harassment exist in their companies.

- All Memoranda of Understanding entered into by the City and any employee organization shall contain an appropriate non-discrimination/harassment clause.
- In applying this policy, the rights of free speech and association shall be
 accommodated consistently with the intent of this policy. Nothing in these
 regulations may be construed as limiting the City's right to take reasonable
 disciplinary measures which do not discriminate on a basis enumerated in this
 policy.
- Sexual harassment prevention and cultural diversity awareness training is mandatory for all City employees and City Councilmembers.
- All City employment announcements, brochures, procedures, advertisements, and application forms will state that the City is an Equal Opportunity Employer. The Human Resources Division will also inform all outreach recruitment and referral sources of the City's Discrimination and Harassment Policy and request that sources actively recruit and refer qualified applicants from all sectors of the community.
- In support of recruitment and retention efforts, City management shall consider the viability of participating in or developing supportive programs on such areas as: job-related skill training and education, job development, career counseling, transportation, day care, health care.
- Where groups of employees are featured in the City's publications and communications (i.e., text and photographs), insofar as possible the materials should illustrate that the City's workforce is as diverse as the populace it serves.

AUTHORIZATION: Council Policy Manual Update of November 17, 1998

HISTORY: Revision by Resolution No. NS-28,533 July 24, 2012

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