

EEOP Utilization Report



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Step 1: Introductory Information

Policy Statement:

The purpose of the Equal Employment Opportunity Plan is to reaffirm the City of San Mateos commitment to equal employment opportunity in its employment practices, program operations, and service delivery systems.

To this end, the City of San Mateo has policies and procedures which:

- Promote a work environment that is free from all forms of discrimination and harassment;
- Eliminate unnecessary, arbitrary or artificial practices that affect applicants and employees;
- Increase employee awareness and acceptance of sex (including gender, gender identity, gender expression), pregnancy, childbirth or related medical conditions, race, veteran status, religion, color national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, use of family and medical leave, genetic testing, and any other basis protected by federal or state law;
- Provide opportunities for career development and advancement for all employees;
- Acknowledge the equal employment opportunity occupational job categories where all employees, including people of color and women, continue to be underrepresented, and recommend legally compliant recruitment, retention and career development solutions to address these areas;
- Foster and support programs that recognize the City's diversity in its expanding workforce; and
- Assign responsibility and accountability for the success of the Equal Employment Opportunity Plan to department heads, managers and supervisors.

It is our hope that the 2016-2018 Equal Opportunity Employment Plan reinforces the expectation that our workforce is best able to serve the needs of the City of San Mateos diverse community.

The City of San Mateos Policy on Harassment and Discrimination is available online at www.cityofsanmateo.org.

Step 4b: Narrative Underutilization Analysis

A comparison of the City of San Mateo workforce to the relevant labor market from the 2010 US census data (County of San Mateo Community Labor Statistics) finds no statistically significant underutilization by race or gender in the job category of Officials / Administrators and the job category of Skilled Craft.

There is a statistically significant underutilization in the following job categories:

Professionals: Asian females

Technicians: Asian males and Asian females

Police Officers: Asian, Hispanic and White females

Non-sworn Protective Services: Asian males and White females

Administrative Support: White males

Service/Maintenance: Asian and Hispanic females

Step 5 & 6: Objectives and Steps

1. Recruitment and Selection

- a. Team with local colleges and job fairs to encourage underutilized populations to apply for public sector employment.
- b. When developing the recruitment plan to fill a position, determine how best to reach a broad, diverse pool of applicants.
- c. Continue outreach efforts to attract the most qualified candidates who represent our diverse community.
- d. Continue to highlight the City as an Equal Employment Opportunity Employer, and encourage all interested applicants to apply.

2. Training and Diversity

- a. Encourage attendance at diversity training courses.
- b. Provide customized Departmental training programs on EEO topics as necessary.
- c. Provide every new employee with a copy of the Harassment and Discrimination Policy, educate about rights and responsibilities, and how to report concerns.
- d. Develop ways to actively support and enhance Workforce Planning programs.

3. Career Development and Retention

- a. Provide access to career planning and development resources.
- b. Provide management development and leadership programs with a focus on enhancing skills and preparing future leaders.
- c. Provide work experience opportunities and special assignments to prepare for succession planning, including acting assignments, work out of classification, provisional appointments, cross-departmental task groups, and ongoing citywide committee assignments.

Step 7a: Internal Dissemination

The following measures are taken to disseminate the City of San Mateo's Equal Employment Opportunity Plan:

The Director of Human Resources will meet annually with the other Department Heads to disseminate information on the organization, their department's overall workforce, and the EEO Plan.

All employees who supervise will continue to attend Anti-Harassment and Discrimination training, including bullying, as required by California law.

Federal and State Notices of Equal Employment Opportunity will continue to be posted in all City employment facilities.

A copy of the EEOP will continue to be available on the City of San Mateo's Internet and Intranet websites.

Step 7b: External Dissemination

A copy of the EEOP Short Form PDF file will continue to be posted on the City's Internet website so that anyone can access and download the information.

The City of San Mateo's job announcements and job application forms will continue to state that the City is an Equal Employment Opportunity Employer.

Utilization Analysis Chart
Relevant Labor Market: San Mateo County, California

| Job Categories | Male | | | | | | | Female | | | | | | | | |
|---------------------------------------|------------|--------------------|---------------------------|----------------------------------|------------|---|-------------------|--------|-----------|--------------------|---------------------------|----------------------------------|--------|---|-------------------|--------|
| | White | Hispanic or Latino | Black or African American | American Indian or Alaska Native | Asian | Native Hawaiian or Other Pacific Islander | Two or More Races | Other | White | Hispanic or Latino | Black or African American | American Indian or Alaska Native | Asian | Native Hawaiian or Other Pacific Islander | Two or More Races | Other |
| Officials/Administrators | | | | | | | | | | | | | | | | |
| Workforce #/% | 12/52% | 1/4% | 0/0% | 0/0% | 3/13% | 0/0% | 1/4% | 0/0% | 2/9% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% |
| CLS #/% | 21,670/37% | 3,315/6% | 590/1% | 95/0% | 7,565/13% | 235/0% | 460/1% | 135/0% | 2,730/5% | 705/1% | 40/0% | 6,045/10% | 270/0% | 465/1% | 60/0% | 60/0% |
| Utilization #/% | 15% | -1% | -1% | -0% | -0% | -0% | 4% | -0% | 4% | -1% | -0% | -10% | -0% | -1% | -0% | -0% |
| Professionals | | | | | | | | | | | | | | | | |
| Workforce #/% | 47/36% | 7/5% | 0/0% | 0/0% | 18/14% | 1/1% | 2/2% | 0/0% | 7/5% | 1/1% | 1/1% | 7/5% | 1/1% | 1/1% | 0/0% | 0/0% |
| CLS #/% | 24,445/29% | 2,815/3% | 985/1% | 30/0% | 14,180/17% | 265/0% | 725/1% | 585/1% | 3,695/4% | 975/1% | 25/0% | 12,330/15% | 180/0% | 600/1% | 480/1% | 480/1% |
| Utilization #/% | 7% | 2% | -1% | -0% | -3% | 0% | 1% | -1% | 1% | -0% | 1% | -9% | 1% | 0% | -1% | -1% |
| Technicians | | | | | | | | | | | | | | | | |
| Workforce #/% | 32/48% | 3/4% | 2/3% | 0/0% | 6/9% | 0/0% | 0/0% | 0/0% | 4/6% | 0/0% | 0/0% | 3/4% | 1/1% | 1/1% | 0/0% | 0/0% |
| CLS #/% | 2,790/27% | 625/6% | 290/3% | 0/0% | 1,945/19% | 120/1% | 100/1% | 85/1% | 500/5% | 210/2% | 0/0% | 1,835/18% | 65/1% | 115/1% | 20/0% | 20/0% |
| Utilization #/% | 21% | -2% | 0% | 0% | -10% | -1% | -1% | -1% | 1% | -2% | 0% | -13% | 1% | 0% | -0% | -0% |
| Protective Services: | | | | | | | | | | | | | | | | |
| Sworn-Officials | | | | | | | | | | | | | | | | |
| Workforce #/% | 16/64% | 3/12% | 0/0% | 0/0% | 2/8% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% |
| CLS #/% | 1,985/38% | 775/15% | 315/6% | 0/0% | 645/12% | 60/1% | 40/1% | 25/0% | 300/6% | 120/2% | 60/1% | 285/6% | 50/1% | 35/1% | 0/0% | 0/0% |
| Utilization #/% | 26% | -3% | -6% | 0% | -4% | -1% | -1% | -0% | -6% | -2% | -1% | -6% | -1% | -1% | -1% | 0% |
| Protective Services: | | | | | | | | | | | | | | | | |
| Sworn-Patrol Officers | | | | | | | | | | | | | | | | |
| Workforce #/% | 45/54% | 15/18% | 5/6% | 0/0% | 7/8% | 0/0% | 2/2% | 0/0% | 3/4% | 1/1% | 0/0% | 2/2% | 0/0% | 0/0% | 0/0% | 0/0% |
| Civilian Labor Force #/% | 5,840/17% | 5,580/16% | 800/2% | 25/0% | 4,795/14% | 400/1% | 740/2% | 570/2% | 5,380/15% | 675/2% | 65/0% | 4,250/12% | 445/1% | 425/1% | 215/1% | 215/1% |
| Utilization #/% | 37% | 2% | 4% | -0% | -5% | -1% | 0% | -2% | -12% | -1% | -0% | -10% | -1% | -1% | -1% | -1% |
| Protective Services: Non-sworn | | | | | | | | | | | | | | | | |

| Job Categories | Male | | | | | | | Female | | | | | | | | |
|-------------------------------|------------|--------------------|---------------------------|----------------------------------|------------|---|-------------------|--------|------------|--------------------|---------------------------|----------------------------------|------------|---|-------------------|--------|
| | White | Hispanic or Latino | Black or African American | American Indian or Alaska Native | Asian | Native Hawaiian or Other Pacific Islander | Two or More Races | Other | White | Hispanic or Latino | Black or African American | American Indian or Alaska Native | Asian | Native Hawaiian or Other Pacific Islander | Two or More Races | Other |
| Workforce #/% | 32/64% | 10/20% | 3/6% | 0/0% | 3/6% | 0/0% | 1/2% | 0/0% | 1/2% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% |
| CLS #/% | 200/27% | 20/3% | 0/0% | 0/0% | 250/34% | 0/0% | 0/0% | 35/5% | 140/19% | 10/1% | 0/0% | 0/0% | 45/6% | 25/3% | 0/0% | 0/0% |
| Utilization #/% | 37% | 17% | 6% | 0% | -28% | 0% | 2% | -5% | -17% | -1% | -2% | 0% | -6% | -3% | 0% | 0% |
| Administrative Support | | | | | | | | | | | | | | | | |
| Workforce #/% | 3/4% | 2/2% | 0/0% | 0/0% | 5/6% | 0/0% | 1/1% | 0/0% | 41/49% | 11/13% | 0/0% | 0/0% | 18/21% | 0/0% | 3/4% | 0/0% |
| CLS #/% | 15,765/18% | 6,990/8% | 1,490/2% | 60/0% | 10,270/12% | 420/0% | 375/0% | 335/0% | 21,495/25% | 11,385/13% | 1,990/2% | 205/0% | 13,380/15% | 1,050/1% | 885/1% | 510/1% |
| Utilization #/% | -15% | -6% | -2% | -0% | -6% | -0% | 1% | -0% | 24% | -0% | -2% | -0% | 6% | -1% | 3% | -1% |
| Skilled Craft | | | | | | | | | | | | | | | | |
| Workforce #/% | 6/55% | 1/9% | 1/9% | 0/0% | 3/27% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% |
| CLS #/% | 10,465/41% | 8,585/33% | 745/3% | 50/0% | 3,820/15% | 260/1% | 295/1% | 175/1% | 430/2% | 345/1% | 50/0% | 0/0% | 395/2% | 0/0% | 14/0% | 0/0% |
| Utilization #/% | 14% | -24% | 6% | -0% | 12% | -1% | -1% | -1% | -2% | -1% | -0% | 0% | -2% | 0% | -0% | 0% |
| Service/Maintenance | | | | | | | | | | | | | | | | |
| Workforce #/% | 27/40% | 22/33% | 1/1% | 0/0% | 3/4% | 3/4% | 2/3% | 0/0% | 4/6% | 3/4% | 0/0% | 0/0% | 1/1% | 0/0% | 1/1% | 0/0% |
| CLS #/% | 11,405/14% | 23,415/28% | 1,805/2% | 85/0% | 10,045/12% | 650/1% | 410/0% | 580/1% | 9,480/11% | 14,400/17% | 845/1% | 65/0% | 8,505/10% | 505/1% | 360/0% | 310/0% |
| Utilization #/% | 27% | 5% | -1% | -0% | -8% | 4% | 2% | -1% | -5% | -13% | -1% | -0% | -9% | -1% | 1% | -0% |

Significant Underutilization Chart

| Job Categories | Male | | | | | | | Female | | | | | | | | |
|--|-------|--------------------|---------------------------|----------------------------------|-------|---|-------------------|--------|-------|--------------------|---------------------------|----------------------------------|-------|---|-------------------|-------|
| | White | Hispanic or Latino | Black or African American | American Indian or Alaska Native | Asian | Native Hawaiian or Other Pacific Islander | Two or More Races | Other | White | Hispanic or Latino | Black or African American | American Indian or Alaska Native | Asian | Native Hawaiian or Other Pacific Islander | Two or More Races | Other |
| Professionals | | | | | | | | | | | | | ✓ | | | |
| Technicians | | | | | ✓ | | | | | | | | ✓ | | | |
| Protective Services: Sworn-Patrol Officers | | | | | | | | | ✓ | ✓ | | | ✓ | | | |
| Protective Services: Non-sworn | | | | | ✓ | | | | ✓ | | | | | | | |
| Administrative Support | ✓ | | | | | | | | | | | | | | | |
| Service/Maintenance | | | | | | | | | | | | | ✓ | | | |

Law Enforcement Category Rank Chart

| Job Categories | Male | | | | | | | | | | Female | | | | | |
|------------------------------|--------|--------------------|---------------------------|----------------------------------|-------|---|-------------------|-------|--------|--------------------|---------------------------|----------------------------------|-------|---|-------------------|-------|
| | White | Hispanic or Latino | Black or African American | American Indian or Alaska Native | Asian | Native Hawaiian or Other Pacific Islander | Two or More Races | Other | White | Hispanic or Latino | Black or African American | American Indian or Alaska Native | Asian | Native Hawaiian or Other Pacific Islander | Two or More Races | Other |
| Police Chief | | | | | | | | | | | | | | | | |
| Workforce #/% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 1/100% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% |
| Deputy Police Chief | | | | | | | | | | | | | | | | |
| Workforce #/% | 1/100% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% |
| Police Captain | | | | | | | | | | | | | | | | |
| Workforce #/% | 2/100% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% |
| Police Lieutenant | | | | | | | | | | | | | | | | |
| Workforce #/% | 3/60% | 2/40% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% |
| Police Sergeant | | | | | | | | | | | | | | | | |
| Workforce #/% | 10/62% | 1/6% | 0/0% | 0/12% | 2/12% | 0/0% | 0/0% | 0/0% | 3/19% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% | 0/0% |
| Protective Services: | | | | | | | | | | | | | | | | |
| Sworn-Patrol Officers | | | | | | | | | | | | | | | | |
| Workforce #/% | 45/54% | 15/18% | 5/6% | 0/8% | 7/8% | 0/0% | 2/2% | 0/0% | 3/4% | 1/1% | 0/0% | 2/2% | 0/0% | 0/0% | 0/0% | 0/0% |

Staff Policies Manual



Title: **Harassment, Discrimination and Reasonable Accommodations for Disabilities Policy**

Policy #: 301

Sponsored by: Human Resources

Approved by: City Manager

Date: Issued: 8/1985 Amended: 11/10/2014

Purpose

The City of San Mateo is committed to providing a work environment free of all forms of harassment and discrimination. This policy defines harassment, sexual harassment and discrimination and sets forth a procedure for the investigation and resolution of complaints of such conduct by or against an employee or applicant or from a person providing services to the City pursuant to a contract.

Policy

1. Discrimination is Prohibited

The City of San Mateo is an equal opportunity employer and makes employment decisions on the basis of merit. All discrimination and harassment on the basis of a protected category, as outlined below, is strictly prohibited. The City does not base an employment decision as to job applicant or employee (i.e., decision to hire, promote, transfer, terminate, etc.) on any protected characteristic, including race, religious creed (including, but not limited to, religious dress or grooming practice), color, sex (including, but not limited to, gender, gender identity, gender expression, pregnancy and breastfeeding or medical conditions related to breastfeeding), age over 40 years, national origin, ancestry, marital status, domestic partnership, medical condition, genetic information, sexual orientation, military and veteran status, or physical or mental disability or association with a person on the basis of that person's actual or perceived protected characteristic. Discrimination against an employee, applicant or a service provider, includes, but is not limited to, the following misconduct:

- A. Treating an applicant or employee differently with regard to any aspect of employment because of his or her protected status.
- B. Engaging in harassing activities.

- C. Taking an 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 protected group status who complains about discrimination, or assisting in an investigation of discrimination.

2. Disabilities and Reasonable Accommodation Requests

To comply with applicable laws ensuring equal employment opportunities to individuals with disabilities, the City will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship and/or a direct threat to the health and/or safety of the individual or others would result. Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact the Director of Human Resources, the employee's supervisor, or the employee's Department Head and request an accommodation. The individual with the disability should specify, in writing if possible, what accommodation he or she needs to perform his/her job and provide medical certification.

The City will conduct an investigation to identify the barriers that make it difficult for the applicant or employee to have an equal opportunity to perform his or her job. The City will then identify possible accommodations, if any, that will help to eliminate the limitation or barrier. If the accommodation is reasonable and will not impose an undue hardship on the City and/or a direct threat to the health and/or safety of the individual or others, the City will make the accommodation. The City may also propose an alternative accommodation(s).

The City will also make reasonable accommodations for conditions related to pregnancy, childbirth, or related medical conditions, if requested, with medical certification of the employee's health care provider, as required by law.

3. Harassment

The City of San Mateo prohibits the harassment of an applicant, employee or person providing services pursuant to a contract based on actual or perceived protected characteristics: race, religion (including, but not limited to, religious dress or grooming practice), color, sex (including, but not limited to, gender, gender identity, gender expression, pregnancy and breastfeeding or medical conditions related to breastfeeding), persons 40 years or older, national origin, ancestry, marital status, domestic partnership, medical condition, sexual orientation, military and veteran status, or physical or mental disability or association with a person on the basis of that person's actual or perceived protected characteristic regardless of whether the harassment is targeted specifically to the applicant, employee or service provider.

Prohibited harassment may include, but is not limited to, epithets, slurs, derogatory comments or jokes, intimidation, negative stereotyping, threats, assault, or any physical interference with the employee's normal work or movement, directed at individual

employees, their relatives, friends or associates based on a protected category. Harassment may also include written or graphic material placed on walls, delivered via email, displayed on bulletin boards or elsewhere on City premises or circulated in the workplace that denigrates, shows hostility or aversion towards an individual or group on the basis of a protected category.

Whether or not the individual means to offend or believed his or her actions, words, jokes or comments were welcome is not determinative. Rather, the City's policy is violated when other employees, contractors, or applicants whether recipients or mere observers, are subjectively and objectively offended by comments or conduct based on race, religion, color, sex (including, but not limited to, gender, gender identity and gender expression), age, national origin, ancestry, marital status, medical condition, actual or perceived sexual orientation, military and veteran status, or a physical or mental disability. Management, administrative, supervisory personnel and employees at all levels of government share the responsibility of ensuring a working environment free from harassment. The City of San Mateo will take all steps necessary to prevent harassment and discrimination.

4. Sexual Harassment

The City of San Mateo also is committed to providing a workplace free of harassment based on any protected category, including sexual harassment. Sexual harassment is defined as unwelcome or unwanted sexual conduct or advances, requests for sexual favors or visual, verbal, or physical conduct of a sexual nature when: 1) submission to such conduct is made a term or condition of employment; or 2) submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment. These activities do not need to be motivated by sexual desire in order to be considered sexual harassment.

Prohibited sexual harassment includes unwelcome sexual conduct including, but not limited to:

- A. Verbal or written harassment (examples include unwanted sexual requests or advances, derogatory comments, sexually explicit jokes, slurs, inappropriate comments about an individual's body, etc.);
- B. Physical harassment (examples include touching, kissing, assaulting impeding or blocking movement, etc.);
- C. Visual harassment (examples include leering, making sexual gestures, and displaying sexually suggestive objects or pictures, such as posters, photographs, calendars, cartoons, screen savers or drawings of a sexual nature);
- D. Making or threatening reprisals after a negative response to sexual advances; and

- E. Verbal abuse of a sexual nature, sexually degrading words to describe an individual, suggestive or obscene letters, notes, or invitations.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful whether it involves coworker harassment, harassment by a supervisor or manager, or by persons, including customers or clients, doing business with or for the City. The City's workplace is not limited to the City's facilities, but also includes client and vendor facilities, anywhere a business-related function is taking place, and any place that employees and their supervisors are together.

5. Abusive Conduct

Abusive conduct means "conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious."

6. Retaliation

Any retaliation against a person for filing a discrimination/harassment charge, making a discrimination and/or harassment complaint, any actions related to Title I of the Affordable Care Act (ACA), or assisting in the investigation of such a complaint is prohibited. Employees found to be retaliating against another individual on this basis shall be subject to disciplinary action up to and including termination depending on the severity of the action. Any disciplinary action taken will be in accordance with the provisions for disciplinary action as outlined in the applicable employee Memorandum of Understanding (MOU) and the City's Personnel Rules.

7. Disciplinary Actions

Appropriate action, including disciplinary action up to termination, will be taken against any employee, supervisory, or otherwise, engaging in conduct violating this policy. The City also recognizes the seriousness of a charge, and the impact it can have on innocent men or women. Therefore, fabricated or wholly frivolous accusations may result in appropriate action, including disciplinary action being taken against anyone who makes baseless charges. Persons who report harassment are not to be punished if they complained in good faith.

A single act can violate this policy and provide potential grounds for discipline. Therefore, if you are in doubt as to whether any particular conduct may violate this policy, do not engage in the conduct, and seek guidance from a supervisor. If you believe you are being harassed or discriminated against on the basis of any of the protected categories, report the conduct immediately to your supervisor or the Human Resources Department.

Scope

This policy shall apply to employees, applicants, interns, volunteers and persons providing services to the City pursuant to a contract.

Responsibility

This section identifies each person's role and responsibility pertaining to this policy.

1. Employee:

- A. Whenever possible, any employee who believes that s/he is experiencing or witnessing discrimination or harassment is encouraged to inform the person that the particular conduct is unwelcome, offensive, unprofessional or highly inappropriate. If this does not resolve the matter or if the employee feels uncomfortable, threatened or has difficulty expressing his/her concern, the employee shall report the matter to a supervisor or to Human Resources or City Manager.
- B. All employees shall report any incidents of discrimination, harassment or retaliation to a supervisor, Department Head, the Human Resources Department, or Office of the City Manager. This includes conduct of non-employees, such as sales representatives or service vendor or harassing conduct toward such contractors. If the supervisor or department head is involved in the reported conduct or, for some other reason the employee feels uncomfortable about reporting to that individual, the employee should report directly to Human Resources or the Office of the City Manager.
- C. Employees shall report and must cooperate with any authorized investigations of alleged discrimination, harassment or retaliation.

2. Supervisor/Department Head:

- A. Periodically distribute the City policy and complaint procedure regarding discrimination, harassment, and retaliation to all employees within the department.
- B. Immediately contact Human Resources if witnessing or hearing of an incident that may constitute discrimination, harassment or retaliation under this policy.
- C. Receive complaints from employees and immediately report any complaints to the Human Resources Department.
- D. Maintain confidentiality to the extent possible in communicating or investigating any claim of alleged discrimination or harassment including maintenance of documents related to complaints.
- E. Sit with investigation team, if appropriate, during evidence gathering procedures. Confer with the investigation team on extent of investigation and discipline.

- F. Following investigation, take appropriate action, including disciplinary action under City hearing procedures.
3. Human Resources Department:
- A. Assume responsibility for administration of the complaint and investigation procedure
 - B. Receive complaints.
 - C. Assist in the investigation of any reported incident of alleged discrimination, harassment or retaliation. The investigation shall be conducted in a way that ensures, to the extent feasible, the privacy of the parties involved. Consult with the Department Head on disciplinary action as may be appropriate.
 - D. Coordinate training.
Newly hired employee – training within 1 yr. of hire.
Every current employee – refresher training every 3 years.
New supervisor – training within six months of becoming a supervisor
All supervisors – refresher training every 2 years.
 - E. Provide information on sexual harassment as provided by the Department of Fair Employment and Housing Department and at the Department's website:
www.dfeh.ca.gov.
 - F. Notify all employees within 30 days of all substantive changes to this policy and procedure.

Procedures

1. The City's reporting procedure provides for a timely, thorough and objective investigation of any harassment or discrimination claim, appropriate disciplinary action against one found to have engaged in prohibited harassment or discrimination, and appropriate remedies if warranted under the circumstances. Any employee who feels he/she has been the victim of, or who has observed, improper conduct under this policy should immediately contact his/her supervisor, Department Head, the Department of Human Resources, or the Office of the City Manager. The Director of Human Resources or designee(s) shall be immediately informed by the supervisor, department head, or City Manager, unless the complaint is about the Director, of all complaints that refer to potential violations of this policy. The report can be verbal or written.
2. Upon receipt of the summary complaint, the City Manager, Human Resources Director, and City Attorney (the Committee) will determine whether the accusations are within this policy. The City Manager, Human Resources Director, and City Attorney, or their designee(s), will conduct an investigation of any charges they determine to be within this policy. A record of evidence should be created, including witness statements, which may be recorded, transcribed, or summarized. The record of evidence shall be given to the department head for consideration of any discipline.

3. Either the committee or their designee shall contact the person who allegedly engaged in the harassment, informing him/her of the basis of the complaint; the committee may provide the accused of a summary of the complaint in order to preserve confidential information, and may exclude names of witnesses and perhaps even the accuser(s). The accused shall have an opportunity to respond in writing within the time period designated by the committee.
4. Upon completion of the investigation, the investigating team and the Department Head will consult on what, if any, disciplinary or other action will be taken. Discipline, if it is to be taken, will be decided upon and imposed by the Department Head in accordance with City procedures.
5. A conclusion that no harassment, sexual harassment or discrimination occurred under this policy does not mean that the conduct, if it occurred, was proper or appropriate. The Department Head may determine that other action, including disciplinary action, is warranted.
6. Job applicants may file a complaint claiming a violation of this policy. Notwithstanding other provisions of this policy, the City Manager shall determine how the complaint shall be handled. The City Manager may utilize the investigation committee established by this policy.
7. Complaints may be made to the State of California Department of Fair Employment and Housing and United States EEOC.
8. Nothing herein shall be construed to prevent the City from itself initiating an investigation under this policy. Nothing herein shall be construed to prevent the investigation committee from determining how to conduct the investigation, including whether an individual investigator shall be used in whole or in part of the investigation. Whenever an employee who has a responsibility under this policy is a complainant, the person against whom the complaint has been brought, or a central witness to the complaint, that person may not undertake the responsibility and a designee shall be designated.

Policy History

1. This policy was originally issued on 8/1985.
2. The policy was last revised on 9/5/2013 (previously known as III.G.5).
3. This policy was reformatted on 9/25/2014 and a new version was approved on 11/10/2014.

Contact for this Policy

Human Resources Director

Approval

This policy was issued on November 10, 2014 and approved by:

LARRY A. PATTERSON
CITY MANAGER