

CITY OF BIG BEAR LAKE

HARASSMENT POLICY AND COMPLAINT POLICY

Policy

Harassment of an employee or applicant for employment by a City employee, supervisor, co-worker, outside contractor, vendor or elected or appointed official will not be tolerated. This policy includes, but is not limited to, harassment based upon race, religion, color, national origin, ancestry, disability, medical condition, marital status, gender, sexual orientation, or age. Further, any retaliation against a person for filing a good faith harassment charge is prohibited.

Application

The City will take preventive, corrective, and disciplinary action for any behavior that violates this policy. Disciplinary action up to and including termination will be imposed for inappropriate behavior. The protections and prohibitions of this policy apply to all elected officials, City Council appointed officials, managers, and employees of the City, including persons working under contract for the City. While elected and City council appointed officials are not subject to employee discipline under this policy, they are subject to other sanctions permitted by law.

Definitions of Harassment

Harassment may consist of offensive verbal or physical conduct or displayed visuals, including conduct or visuals directed at a person because of any of the above-described classifications:

1. Wherein submission to the offensive is an explicit or implicit term or condition of employment and/or;
2. Wherein submission to or rejection of the offensive conduct forms the basis for an employment decision affecting the employee; and/or
3. Wherein the offensive conduct has the purpose or effect of unreasonably interfering with an individual work performance or creates an intimidating, hostile, or offensive working environment.

EXAMPLES of what may constitute harassment include, but are not limited to, the following offensive or unwanted behaviors:

1. Kidding or joking about sex or anyone of the protected classes;
2. Hugs, pats or similar physical contact;
3. Assault, impeding or blocking movement, or any physical interference with normal work or movement;
4. Cartoons, posters and other displayed materials referring to sex, or any one of the protected classifications;

City of Big Bear Lake

Harassment Policy And Complaint Policy - Continued

5. Threats intended to induce sexual favors;
6. Continued suggestions or invitations to social events outside the workplace after being told such suggestions are unwelcome;
7. Prolonged staring or leering at a person or stalking; and
8. Threats of reprisals: implying or actually withholding support for appointments, promotion or transfer; change of assignment, or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.

Procedure

Any employee who believes that he/she has been the subject of harassment may confront and inform the harasser that his or her behavior is unwelcome, offensive, and if continued, will lead to a formal complaint. In the alternative, an employee may contact management or may file a formal complaint.

Formal Complaint

- A. An employee or job applicant who believes he or she has been harassed may make a complaint orally or in writing to any one of the following:
 1. Immediate Supervisor
 2. Any Supervisor within the Division
 3. Any Division Manager
 4. Human Resources Manager
 5. The City Manager
 6. The Mayor, in the event the complaint is directed against the City Manager.

Any Supervisor or Division Manager who receives a harassment complaint shall immediately notify the Human Resources Manager, the City Manager, or, in the event the City Manager is the accused, notify the Mayor. The Mayor and City Council shall promptly be apprised by the City Manager of any and all complaints filed.

- B. Upon notification of a harassment complaint, the Human Resources Manager or designee shall:
 1. Conduct a prompt investigation of the complaint or authorize and supervise the

City of Big Bear Lake

Harassment Policy And Complaint Policy - Continued

investigation, ensuring confidentiality to the greatest possible extent. The investigation will include interviews with: the complainant; the alleged harasser; and any other person the Human Resources Manager has reason to believe has relevant knowledge concerning the complaint. This may include alleged victims of similar conduct.

2. Review factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, or sexual conduct and the context in which the alleged incident(s) occurred. The investigator shall make a keep a written record of the investigation.
3. Report the determination as to whether harassment occurred to the alleged harasser, the complainant, the Supervisor, the Division Manager and the City Manager. If the allegation involves the City Manager, then report the determination to the Mayor.
4. If harassment occurred, take and/or recommend to the City Manager or Mayor (if applicable), prompt and effective action against the harasser. The action will be commensurate with the severity of the offense. If discipline is imposed, the discipline will not be communicated to the complainant.
5. Take reasonable steps to protect the victim and other potential victims from further harassment.
6. Take reasonable steps to protect the victim from any retaliation as a result of communicating the complaint, including, but not limited to disciplinary action against the retaliator.

Dissemination of Policy

All employees shall be sent copies of this Policy upon adoption. All new hires will receive a copy of this Policy as part of their orientation by the Human Resources Division. All employees shall sign that they have received and read this policy. This Policy will also be posted at all work sites and be sent to each City employee association.

Training

Employees will be offered and encouraged, and in some cases required, to attend educational sessions and training workshops. Videos and written materials on Sexual Harassment are available in the Human Resources Division and can be viewed at any time

City of Big Bear Lake

Harassment Policy And Complaint Policy - Continued

CONTACT THE HUMAN RESOURCES DIVISION WITH ANY QUESTIONS OR REQUESTS FOR ASSISTANCE.

Approval

ADOPTED BY CITY COUNCIL:

Date: August 27, 2001