

# **CITY OF COMMERCE**

## **ADMINISTRATIVE POLICIES**

### **HARASSMENT**

#### **1.0 PURPOSE**

- 1.1 To establish a policy prohibiting all forms of harassment.**
- 1.2 To define procedures for reporting harassment.**
- 1.3 To establish guidelines for administration of discipline.**

#### **2.0 DEFINITION**

- 2.1 Harassment is unwarranted and unwanted verbal or nonverbal conduct, which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading, or hostile environment, or interferes with or adversely affects a person's work performance.**
- 2.2 Harassment does not include the conduct or actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote positive performance.**

#### **3.0 POLICY**

- 3.1 It is the policy of the City that harassment will not be tolerated.**
- 3.2 All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment.**
- 3.3 The desired behavior standard for City of Commerce employees is one of cooperation and respect for each other, despite any differences.**
- 3.4 Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical advances of a sexual nature.**
- 3.5 It is City policy to fully support enforcement of State and Federal anti-discrimination laws which provide that sexual harassment is prohibited where**
  - A. Submission to such conduct is made either explicitly or implicitly a term of condition of employment**
  - B. Submission to or rejection of such conduct by an individual is used as the**

basis for employment decisions affecting such individuals

- C. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

#### 4.0 PROCEDURES

- 4.1 In any case which the supervisor is witness to or confronted with a situation of harassment, the supervisor will immediately notify the offending party that harassment is not appropriate and will not be tolerated.
- 4.2 An employee subjected to any form of harassment should report such activity to his/her non-involved supervisor, Department Head, Director of Administrative Services, or directly to the City Manager.
- 4.3 A supervisor is required to report harassment cases to his/her Department Head, who in turn, is required to report the matter to the Director of Administrative Services. Such reports to superiors and to the Director of Administrative Services are to be made regardless of how knowledge of the case was acquired.
- 4.4 The Director of Administrative Services will investigate and submit to the City Manager a report setting forth the facts of the case and a recommendation for action.
- 4.5 The results of the investigation and the nature of the disciplinary action will be communicated by the City Manger to both the complainant and the offender as well as the affected Department Head.
- 4.6 Either party may appeal the decision through the normal grievance procedure if it is felt the findings were incorrect or the disciplinary action in appropriate.

#### 5.0 DISCIPLINARY ACTION

An employee who harasses another employee or member of the public may be subject to the full range of disciplinary action, including discharge.

EFFECTIVE: 10-03-97

LAST REVISED: 12-24-03

CITY MANAGER APPROVAL:



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