



Policy:	Harassment Policy	
Date: August 16, 2006	Revision Date: August 11, 2016	Approved by: Human Resources

I. PURPOSE AND SCOPE

The purpose of this Policy is to clearly establish the Eastern Municipal Water District’s (District) commitment to provide a work environment free from harassment, to define harassment in the workplace, and to set forth the procedure for investigating and resolving internal complaints of harassment. Because of the tremendous importance of a workplace free from any form of harassment, all supervisory employees of the District shall receive training regarding this policy at least once every two years. Specifically, this policy shall be fully discussed with each employee, supervisor and higher level management incumbent to ensure that the employee knows its contents.

This policy upholds the importance of respecting, supporting and following the guiding principles and ethics of the District. It further seeks to advance the District belief in treating every individual with dignity and respect by promoting openness, trust, cooperation, and unity among employees and by eliminating all forms of harassment and discrimination in the work place. Because of the unique circumstances present in many District jobs, it is the responsibility of every employee, supervisor and higher level management incumbent to make sure that there are no violations of this policy occurring in the workplace. This policy applies to all District-related or sponsored activities.

This Policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

II. POLICY

Harassment of an applicant, client, contractor, business invitee, customer, supervisor, manager, or employee by a supervisor, management employee or non-supervisory/non-management employee on the basis of race, religious creed (including religious dress and grooming practices), denial of family and medical care leave, color, national origin (including language use restrictions), ancestry, disability (mental and physical) including HIV and AIDS, medical condition (including cancer and genetic characteristics), marital status, military and veteran status, political affiliation, genetic information, worker’s compensation record, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), sexual orientation, gender, gender identity, and gender expression, or age (40 and over) is explicitly in violation of State and/or Federal law and will not be tolerated by the District.

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Employees, supervisors or managers found to be participating in any form of job based harassment or retaliating against any other employee shall be subject to disciplinary action up to and including discharge from employment pursuant to the Employee Discipline Policy.

III. RESPONSIBILITIES

Management: It is the responsibility of management to develop this policy, keep it up to date, and to ensure that any violation of this policy brought to their attention is dealt with fairly, completely, timely, and impartially. All managers also have the responsibility of setting the proper example.

Supervision: It is the responsibility of supervision to enforce the policy, to make a periodic review with each employee to ensure they know the policy and to regularly check the workplace and environs to ensure the policy is being followed. When a deviation from this policy is noted or reported, supervisors shall bring this information to management immediately. All supervisors also have the responsibility of setting the proper example.

Non-supervisory/non-management employees: It is the responsibility of every employee to know the policy and to follow the policy. It is imperative that every employee treats every other employee with dignity and respect consistent with the District's guiding principles.

IV. DEFINITIONS

For purposes of clarification, harassment includes but is not limited to the following behaviors:

- A. Verbal Harassment- Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, religious creed (including religious dress and grooming practices), denial of family and medical care leave, color, national origin (including language use restrictions), ancestry, disability (mental and physical) including HIV and AIDS, medical condition (including cancer and genetic characteristics), marital status, military and veteran status, political affiliation, genetic information, worker's compensation record, pregnancy (includes childbirth, breastfeeding, and medical conditions related to pregnancy), sexual orientation, gender, gender identity, and gender expression, or age (40 and over) whether made in general, directed to an individual, or to a group of people regardless of whether the behavior was intended to harass. This includes but is not limited to inappropriate sexually oriented comments on appearance, including dress or physical features, sexual rumors, code words, and race oriented stories.
- B. Physical Harassment - Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, religious creed (including

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religious dress and grooming practices), denial of family and medical care leave, color, national origin (including language use restrictions), ancestry, disability (mental and physical) including HIV and AIDS, medical condition (including cancer and genetic characteristics), marital status, military and veteran status, political affiliation, genetic information, worker's compensation record, pregnancy (includes childbirth, breastfeeding and medical conditions related to pregnancy), sexual orientation, gender, gender identity, and gender expression, or age (40 and over) of any individual. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, rest/sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission to physical acts.

- C. Visual or Written Forms of Harassment - Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, cards, e-mails, bulletins, drawings or pictures on the basis of race, religious creed (including religious dress and grooming practices), denial of family and medical care leave, color, national origin (including language use restrictions), ancestry, disability (mental and physical) including HIV and AIDS, medical condition (including cancer and genetic characteristics), marital status, military and veteran status, political affiliation, genetic information, worker's compensation record, pregnancy (includes childbirth, breastfeeding and medical conditions related to pregnancy), sexual orientation, gender, gender identity, and gender expression, or age (40 and over). This applies to both posted material or material maintained in or on District equipment or personal property in the workplace.
- D. Sexual Harassment - Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

V. **WORKPLACE RELATIONSHIPS**

The First Amendment allows anyone to associate with anyone else they desire. It is natural for people who meet in the workplace to sometimes become romantically involved, and it is not the District's intent to interfere with any dating relationship. Any involvement between employees must be voluntary and desired by both parties. However, many problems have developed in employment settings because of dating relationships, and they can interfere with our goal of having a sound professional work environment. It is not inappropriate for a person to ask out a co-worker. However, if you do not want to go out with another employee, it is imperative that your response to the request is firm and definite. After this firm, definite response has been made; it is

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inappropriate for the requesting party to make any further attempt to initiate a dating relationship. Repeated requests for a dating relationship constitute Sexual Harassment. It is also inappropriate for any relationship to interfere with normal work operations in any manner. Personnel who desire to become involved with someone in the workplace must be aware of the following guidelines.

- A. There shall be no dating activities on District time or District property.
- B. All behavior between employees shall be behavior conducive to a sound professional work environment at all times when on District property or on District time.
- C. Any relationship involving personnel at different levels in the chain of command (or where one party has functional supervision over another) shall be reported by the person of higher rank to his/her supervisor immediately. Failure to report this relationship is a violation of this policy. The manager receiving this information shall immediately contact the Human Resources Department and inform them of the relationship. Human Resources shall contact the General Manager and make recommendations to ensure that this relationship will not detract from a sound professional work environment. Such recommendations may include the transfer of either person to another unit at the District's sole discretion.

VI. COMPLAINT PROCEDURE

A. Confrontation

If any person feels he/she is a victim of any form of harassment, this individual may voluntarily inform the person(s) participating in this behavior that he/she finds it offensive. This one-on-one confrontation has been demonstrated to be an effective way to end harassing behaviors. If the inappropriate behaviors do not stop, the offended employee can initiate either an informal or formal complaint as described below. Because confrontation is difficult for some people and because of the complex nature of harassment, employees are not required to confront an offending party prior to initiating this complaint procedure.

B. Informal Complaint

Any employee, client, contractor, customer or job applicant who believes he or she is a victim of discriminatory workplace harassment should make a complaint orally or in writing with any of the following:

1. Immediate supervisor
2. Any District supervisor, manager, or member of management
3. General Manager

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4. Director of Human Resources

Any supervisor, manager or member of management who observes inappropriate behavior or receives a harassment complaint shall notify the Director of Human Resources, General Manager or designee immediately.

An informal resolution will be attempted whenever appropriate. If the informal resolution process is unsuccessful, the complainant may direct a formal complaint to the Director of Human Resources, General Manager or designee.

C. Preliminary Complaint

1. Filing of a Preliminary Complaint

Any employee, client, customer, contractor or applicant who alleges to be a victim of discriminatory workplace harassment should, within 30 calendar days of the alleged incident:

- a. Contact his/her supervisor, OR
- b. Contact the Director of Human Resources, OR
- c. Contact the General Manager or designee

This preliminary complaint can be verbal or written.

2. Time Extension

The Director of Human Resources, General Manager or designee may extend the time requirements set forth in this procedure when it is determined that it is in the best interests of fairness and justice to the parties involved.

3. Review of Preliminary Complaint

Upon notification of a harassment complaint, the supervisor, Director of Human Resources, General Manager, or designee shall conduct an initial investigation to make a preliminary determination as to whether there is any merit to the complaint. Regardless of merit, however, the supervisor, Director of Human Resources, General Manager and/or designee may still meet with the parties involved in an attempt to conciliate the complaint or conflict between the parties. The District may, at its discretion, utilize a neutral third-party investigator to address harassment allegations.

B. Formal Complaint

If after an initial investigation is conducted, there is no resolution and/or no conciliation of the preliminary complaint, a formal written complaint can be filed by the complainant. The Human Resources Department will issue a Discriminatory Workplace Harassment Form to the complainant. This form shall be completed, signed and returned to the Director of Human Resources who will notify the General Manager or designee immediately.

Upon receipt of the formal written complaint, the Director of Human Resources or designee will initiate a formal investigation. As part of this investigation the Director of Human Resources or designee will contact the alleged harasser(s) who will be informed of the basis of the complaint, will be given a copy of the Form, and will be provided an opportunity to respond. The response shall be in writing, addressed to the Director of Human Resources or designee, and received by the Director of Human Resources or designee within ten (10) calendar days after being notified of the complaint.

Review of Response and Findings

Upon receipt of the response, the Director of Human Resources or designee may further investigate the formal complaint. Such investigation may include interviews with the complainant, the accused harasser(s), and any other persons determined by the Director of Human Resources or designee to possibly have relevant knowledge concerning the complaint. This may include victims of similar conduct.

Factual information gathered through the investigation will be reviewed by the General Manager or designee, who will 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, visual or sexual conduct and the context in which the alleged incident(s) occurred.

The results of the investigation and the determination by the General Manager as to whether harassment occurred shall be final and binding.

VII. DISCIPLINARY ACTION

If harassment is determined to have occurred, the General Manager or designee shall take prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense, up to and including discharge from

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employment. If discipline is imposed, the nature and extent of the discipline may not be divulged to the complainant.

VIII. RETALIATION

Retaliation in any manner against a person for filing a harassment charge or initiating a harassment complaint, testifying in an investigation, providing information or assisting in an investigation, is expressly prohibited and subject to disciplinary action up to and including discharge. The District will take reasonable steps to protect the victim(s) and other potential victims from further harassment, and to protect the victim(s) from any retaliation as a result of communicating the complaint.

IX. CONFIDENTIALITY

Confidentiality will be maintained to the fullest extent possible in accordance with applicable Federal, State and local law.

X. FALSE COMPLAINTS

The District prohibits deliberately making false and/or malicious harassment allegations, as well as deliberately providing false information during an investigation. Any Complaint made by an employee of the District regarding Job Based Harassment which is conclusively proven to be false, shall result in discipline. This discipline may include discharge from employment. This section is not intended to discourage employees from making complaints regarding Job Based Harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

XI. LIMITATIONS

The use of this procedure is limited to complaints related to discriminatory workplace harassment as defined in this policy. All other complaints shall be handled through the Employee Grievance Procedure as established within District's current Memorandum of Understanding.

XII. DISTRIBUTION

This policy shall be disseminated to all employees, supervisors and managers of the District. Any questions, concerns or comments related to this policy should be directed to the General Manager or designee.

AUTHORIZED SIGNATURES ON FILE