



The City of Riverside is an organization committed to providing a work environment that is free from discrimination and/or harassment in accordance with state and federal law. All City employees are to be treated with respect and dignity.

**DEFINITIONS**

Discrimination - any practice, process or action in the workplace which works against equality of opportunity and against the ability of each person to be employed and to advance on the basis of merit without regard to race, color, religion, sex, national origin, age, sexual orientation, and to those persons who are physically or mentally challenged.

Harassment - may be verbal, physical, visual, or sexual on the basis of race, religion, color, national origin, ancestry, physical handicap, medical condition, pregnancy, marital status, sex, sexual orientation and age. It may be made in general or directed to an individual, or to a group of people. Harassment may occur regardless of whether the behavior was intended to harass.

Retaliation - is, but not limited to, discipline, transfer or denial of promotional opportunity, or training, or assignment to an employee, after he or she has filed a complaint or participated in an investigation.

Examples of discrimination/harassment include:

- ▶ **Verbal** - Examples are epithets, derogatory comments or slurs.
- ▶ **Physical** - Examples are assault, impeding or blocking movement, unwelcome touching, leering or any physical interference with normal work or movement when directed at an individual.
- ▶ **Visual** - Examples are derogatory, prejudicial, stereotypical, or otherwise offensive posters, photographs, cartoons, notes, notices, bulletins, or drawings.
- ▶ **Sexual** - Examples are unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature. These examples constitute harassment when submission to such conduct is made either explicitly or implicitly as a term or a condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or the purpose or effect of unreasonable interfering with an individual's work performance or creating an intimidating hostile, or offensive working environment.

**POLICY**

**Work Environment:**

The City of Riverside is committed to providing a work environment that is free from discrimination or harassment in accordance with state and federal law. Absolutely no one is authorized to engage in conduct prohibited by this policy. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training. Disciplinary action up to and including termination shall be instituted against any employee who engages in behavior described in the definitions of discriminatory and/or sexual harassment as set forth above. All complaints meeting the criteria found under the definitions will be thoroughly investigated.

If the allegations are substantiated, prompt and effective remedial action will be taken.

No one shall be retaliated against for reporting conduct believed to be a violation of this policy. Any retaliation against a person for a complaint of Harassment is prohibited. No influence will be used to suppress any complaint, and no employee will be subjected to retaliation or reprisal for filing a complaint or cooperating in any investigation. Employees found retaliating shall be subject to disciplinary action up to and including termination.

Any employee who witnesses an incident of Harassment is obligated to report it to the harassing employee's supervisor or the Human Resources Department. Each employee is responsible to see that the work environment is free from all types of Harassment including, but not limited to, sexual harassment. Third party non-participants or witnesses may file Harassment complaints if they are offended by the conduct of others or are denied employment opportunities due to the sexual "bargaining" of others.

Management and supervisors are responsible for taking prompt, appropriate action to avoid Harassment.

Individual employees may be held personally responsible for acts of Harassment, which may lead to civil action, as well as disciplinary action, up to and including termination of employment with the City.

**Contractor/Vendor/Public Incidents:**

When an agent, employee, or representative of a vendor, firm, contractor, or a member of the public such as a customer, is alleged to have engaged in Harassment against a City employee, the harassed employee and any employee witnessing the incident have the responsibility to report the incident to the harassed employee's supervisor or the Human Resources Department. The City of Riverside shall take steps as are within its power to investigate and eliminate this form of Harassment.

## COMPLAINT PROCESS OPTIONS



The City of Riverside is committed to investigating all charges of discrimination and/or harassment meeting the criteria found under definitions and in taking whatever steps are necessary to see that the harassing behavior is stopped. Whenever possible, employees who believe they are experiencing Harassment in the work environment are encouraged to inform the perpetrator that his or her behavior is unwelcome, offensive, or inappropriate. If the behavior continues, or if the employee feels uncomfortable, threatened, or has difficulty expressing his or her concern, assistance or counseling should be sought from a supervisor or from the Human Resources Department.

### Complaint Resolution

To accommodate the unique nature of Harassment complaints, a process is provided for the primary purpose of resolution of a complaint at the earliest possible date. Elements of the process are:

- A. **Complaint Advisor** - the City's Human Resources staff shall be available to receive discrimination or harassment complaints. Functions of the staff shall be to:
  - ▶ Counsel the employee and outline the options available.
  - ▶ Obtain a factual written statement of the complaint and present it to the Human Resources Director and affected department head.
  - ▶ Conduct an investigation, interviewing complainant, accused, witnesses and supervisor as appropriate.
- B. **Human Resources Director/Department Head**
  - ▶ Evaluates complaint based on criteria found under definitions of harassment/discrimination in accordance with State/Federal law.

- ▶ Authorizes investigation of complaint.
  - ▶ Reviews factual information collected to determine whether the alleged conduct constitutes Harassment, giving consideration to the record as a whole and the totality of circumstances, including the nature of the Harassment and the context in which the alleged incidents occurred.
  - ▶ Takes and/or authorizes appropriate and timely action.
- C. **City Manager**
- ▶ Ensures compliance with the City's Harassment Policy in an expedient manner.

### Complaint Resolution (Grievance)

Grievance procedures of the City are available for resolution of complaints alleging discrimination or harassment if the complaint is not adjusted to the satisfaction of the employee in the complaint resolution process described above.

Time limits specified in the grievance procedures shall be extended (as of the date of notification of action taken by the Human Resources Director/Department Head) if a discrimination and/or harassment complaint is initiated within the applicable time limits for filing a grievance

The Human Resources Director or designee may recommend extension of the filing deadline for a grievance. It should be noted that the City requests to be notified of any complaint alleging discrimination or harassment as soon as possible after it occurs.

Preliminary informal steps to resolve a grievance may, depending on circumstances of the complaint, be waived and the grievance initiated at an appropriate higher step in the process. Grievances may be initiated without being filed as harassment.

## PROCEDURE

**Employee** - Notifies supervisor and/or Human Resources of complaint and provides a written statement of such complaint. A supervisor may also notify Human Resources.

**Human Resources** - Counsels complainant and outlines options available. Obtains factual written statement and presents it to the Human Resources Director and affected Department Head.

**Human Resources Director/Department Head** - Authorizes investigation of complaint.

**Human Resources** - Conducts investigation by interviewing complainant, accused, witnesses and supervisor as appropriate. Makes recommendations to Human Resources Director as to disposition of complaint.

**Human Resources Director/Department Head** - Reviews factual information collected and recommendations made. Takes appropriate and timely action.

## EMPLOYER LIABILITY



All employers are covered by the harassment section of the Fair Employment and Housing Act. If discrimination or harassment occurs, the employer may be liable even if management was not aware of the harassment. An employer might avoid liability if the harasser is a rank and file employee and if there was a program to prevent harassment. The harasser, as well as any management representative who knew about the harassment and condoned or ratified it, can be held personally liable for damages.

Additionally, Government Code Section 12940(l) requires an entity to take "all reasonable steps to prevent harassment from occurring." If an employer has failed to take such preventable measures, that employer can be held liable for the harassment.

An act of discrimination and/or harassment, by itself, is an unlawful act. A victim may be entitled to damages even though no employment opportunity has been denied and there is no actual loss of pay or benefits.



## CITY OF RIVERSIDE HUMAN RESOURCES DEPARTMENT HARASSMENT/DISCRIMINATION COMPLAINT FORM



1. Name: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Address: \_\_\_\_\_ City/ Zip Code: \_\_\_\_\_

Class Title: \_\_\_\_\_ Department: \_\_\_\_\_

Phone: Business: (\_\_\_\_) \_\_\_\_\_ Home: (\_\_\_\_) \_\_\_\_\_

I prefer to be contacted at: Work  Home  Days \_\_\_\_\_ Time \_\_\_\_\_ am/pm

2. How do you feel you were harassed/discriminated against? Please indicate only those that apply.

a. Misinterpretation or Misapplication of Memorandum of Understanding or Salary Ordinance

b. Other (Specify): \_\_\_\_\_

On what basis do you feel that you were harassed/discriminated against? Please indicate only those that apply.

Race  National Origin  Religion

Color  Physical Disability  Pregnancy

Age  Mental Disability  Marital Status

Ancestry  Medical Condition  Sexual Orientation

Gender

Other (Specify) \_\_\_\_\_

Date of occurrence, which gave rise to, alleged harassed/discrimination: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

3. Have you filed a complaint relative to this matter with another agency? If so, please check the appropriate space:

Equal Employment Opportunity Commission  Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

California Department of Fair Employment and Housing  Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Other (Specify) \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

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4. What information do you have to specifically indicate how you were affected by harassment/discrimination? Please be as specific as possible and include all pertinent dates, names, and incidents involving the alleged discrimination. (Use the back of the page or attach another sheet if needed)

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5. What actions that have been taken to resolve the complaint thus far:

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6. State names, job titles, and phone numbers (if possible) of witnesses you feel can provide evidence:

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7. What would you like to see as a remedy to your complaint?

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My signature hereby authorizes the assigned investigator to gather all essential information in the investigation of my complaint, and, if necessary, to share this information with other parties involved in the resolution of this complaint.

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Signature of Complainant

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Date