

City of Red Bluff
Administrative Policies & Procedures – Personnel Manual

Subject: Harassment-Discrimination & Retaliation Policy		Number: 22-51
		Effective Date: 6/18/2024
Departments Affected: All		Supersedes (Number/Date): Harassment, Discrimination & Retaliation 10/17/2023
Authority: Section 2.82-A. Red Bluff City Code	File References:	
	Approved: Approved by City Council on: 6/18/2024	

Overview: This rule expresses the City of Red Bluff’s commitment to prohibit and prevent unlawful harassment, discrimination, and retaliation in City operations and set forth a procedure for investigating and resolving internal complaints of such conduct.

Applicable to: All employees, including regular, probationary, part-time/seasonal, as well as volunteers, contract employees, private contractors, appointing authorities, interns, commissioners, and elected officials.

Guidelines: Harassment and discrimination are unlawful employment practices prohibited by state and federal law and are unacceptable work behaviors which will not be tolerated by the City of Red Bluff. All City of Red Bluff employees are expected to adhere to a standard of conduct which conveys dignity, respect, and courtesy towards other employees, officials, vendors, and the general public. A working environment free from harassment and discrimination is essential to the well-being of an employee and an employee’s right to perform their job effectively without distraction or interference from any unlawful discrimination or harassment.

Prohibited Conduct Under this Rule: Discrimination, Harassment, and Retaliation

Examples of behaviors constituting discrimination, harassment, and retaliation include, but are not limited to:

- Verbal Abuse
- Visual Abuse
- Physical Abuse
- Bullying
- Preferential Treatment

Prevention and Training

This rule, including any revisions, shall be distributed to all City offices, including elected officials, managers, supervisors, and employees, as well as contractors as the need arises.

Supervisors, Managers, and Department Heads

All supervisors, managers, and department heads shall receive harassment training pursuant to California Assembly Bill AB 1825. All supervisors must attend

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harassment training for a minimum of two (2) hours every two (2) years and all newly hired or promoted supervisors must attend harassment training within six (6) months of appointment and every two (2) years, thereafter.

Employees

All employees, including seasonal, temporary, and part-time shall receive harassment training pursuant to California Senate Bill 1343. All employees must attend harassment training for a minimum of one (1) hour every two (2) years within six (6) months of appointment and every two (2) years, thereafter.

Contractors

All contracts will include a section notifying the contractor that they are subject to this rule and that it is available to view on the City of Red Bluff website. City employees responsible for administering or monitoring the work of contractors shall assure contractors do not engage in harassment, discrimination, or retaliation of City employees. If inappropriate behavior by a contractor is committed or persists, necessary steps will be taken to prevent further harassment, up to and including termination of the agreement.

Objective

Harassment training must consist of classroom, or other effective interactive training designed to assist employers and employees in preventing and/or changing or modifying workplace behaviors that create or contribute to harassment. The training must also contain components that develop, foster, and encourage a set of values in employees which will assist them in preventing and effectively responding to incidents of harassment.

Complaint Procedure

Notifying an offender that their behavior is unwelcome and offensive may be an effective way to end inappropriate conduct. However, confronting the perceived offender may be difficult and complicated and is not required before initiating a complaint.

If, for any reason, the incident remains unresolved, it is of the utmost importance for any person described in this rule, who believes they have been subjected to unlawful discrimination, harassment, or retaliation, to report the incident immediately.

The following steps should be taken to report a complaint of discrimination, harassment, or retaliation; a complaint may be made orally or in writing, and one report of the incident is sufficient. Employees are not required to follow their usual chain of command in making a complaint concerning unlawful discrimination, harassment, or retaliation. An employee is entitled to file a complaint with any of the following personnel:

- Their immediate supervisor
- Any other supervisor
- The Department Head
- The Human Resources Department
- The City Manager

Once an employee chooses a person from the above list with whom they feel most

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comfortable, and reports the incident to them, an investigation will be conducted. Furthermore, a complaint can be filed (including anonymously) by submitting an *Employee Complaint Form* to Human Resources. This form is available on the City's website or at the Human Resources office. Please be aware that if reporting anonymously the City may not be able to investigate the incident fully to a conclusion, nor follow-up with the employee with any results.

If an employee is dissatisfied with the outcome of the investigation, they may file an external complaint with the Department of Fair Employment and Housing (DFEH) or the EEOC.

All complaints received by first-line supervisors or managers shall be forwarded to the Department Head and the Human Resources Department immediately. The Department Head shall forward a copy of all reports, investigations, and resolutions of prohibited harassment, discrimination, or retaliation to the Human Resources Department.

If Human Resources or the City Manager receives the initial complaint, said person shall forward the results of the investigation to the Department Heads of the involved employees, except and unless the Department Head is the person accused of the prohibited conduct.

In the case of a Department Head being the accused, the results of the investigation will be forwarded to the appropriate authority for resolution. Under no circumstances shall the Department Head, alleged to have engaged in prohibited conduct, investigate the complaint.

Management's Response to Complaints

Referral to Employee Assistance Program

Supervisors may refer an employee who is an alleged target of harassment to the employee assistance program. A referral may also be made to the person accused of harassment as an intervention to stop the alleged behavior.

Investigate

All reports shall be promptly and thoroughly investigated. Depending on the depth and scope of the complaint, investigations will be performed by the Department Head or their designee, by the Human Resources Department, or by the City Manager. The Human Resources Department or City Manager may delegate the investigation to an appropriate designee. The depth of the investigation will vary depending upon the circumstances of each case, but management personnel will be sensitive and respectful of all persons involved in the incident during investigations.

Document

All designated persons receiving complaints shall document the allegations reported, the investigation conducted, and the resolution decided upon. All investigations shall be thoroughly documented.

Take Action

In the event a complaint has been substantiated, appropriate corrective action will be taken to remedy the situation and to prevent future episodes of inappropriate

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behavior. Appropriate corrective action, depending upon the circumstances, may include mandatory training, referral to or mandatory participation in the employee assistance program, or discharge from City of Red Bluff employment.

As both a precautionary and an informative measure, all unsubstantiated claims will result in the re-education of the parties involved by providing them with a copy of this rule, or other educational measures determined by the Human Resources Department or City Manager to be appropriate under the circumstances.

Prohibitions Regarding Complaints

- a) No one shall be subjected to retaliation or reprisal due to filing a complaint, or for participating in an investigation about harassment, discrimination, or retaliation.
- b) No person shall make a false accusation against another person. False accusations of harassment or discrimination will result in disciplinary action.
- c) No employee, supervisor, or manager shall attempt to suppress a complaint about harassment or discrimination.

All department heads, managers, and supervisors have the duty to implement and enforce this rule. In addition, department heads, managers, and supervisors have the responsibilities, as appropriate for their level in the organization, to ensure all employees are aware:

- Harassment is prohibited.
- Employees have a right to complain about harassing behavior.
- Employees are protected from retaliation.
- Incidents should be reported to help ensure they will not recur.
- Prompt and appropriate follow-up action will be taken to stop such behavior.
- Harassment may be grounds for disciplinary action.
- It is their duty to promptly and thoroughly report any complaint of harassment, discrimination or retaliation to Department Heads, Human Resources and/or City Manager or their designees.

Department Heads, Managers and Supervisors shall:

- Ensure all employees have received a copy of the most current Harassment Rule.
- Take appropriate corrective action (sufficient to stop the inappropriate behavior).
- Ensure all employees attend City-sponsored training in recognizing and preventing sexual harassment on a bi-annual basis.
- Take appropriate corrective action to prevent the possible existence of a “hostile work environment”. This may include the removal or discouragement of offensive pictures, cartoons, e-mail messages, off-color jokes or conversations in the workplace where the communication may be offensive.
- Maintain confidentiality of all complaints by limiting dissemination of information to only necessary parties.

The Human Resources Department has the responsibility for:

- Advising Department Heads on how to handle complaints under this rule.
- Accepting complaints from City elected officials and employees who believe they are being subjected to harassment, discrimination, or retaliation.

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- Investigating and attempting to resolve complaints.
- Advising all parties about the limited confidentiality of the complaints and the investigative process.
- Provide training opportunities to inform employees about harassment in an effort to deter harassing behavior.

References: California Department of Fair Employment and Housing <http://www.dfeh.ca.gov/>;
Title VII of the Civil Rights Act of 1964 - Equal Employment Opportunity
Commission <http://www.eeoc.gov/laws/statutes/titlevii.cfm>