

Section 1: PURPOSE

The purpose of this policy is to set forth the City of Manteca's ("City") policy prohibiting unlawful workplace discrimination and harassment, and establish a procedure for filing a complaint of unlawful discrimination and/or harassment.

Section 2: APPLICABILITY

This policy applies to all employees of the City, including full-time, part-time, elected and appointed officials, as well as volunteers, agents, vendors and contractors. Further information can be obtained in the City of Manteca Harassment Handbook issued to all employees.

Section 3: POLICY AND PROCEDURE

A. Prohibited Harassment and Discrimination

The City will strive to provide a work environment where all persons can work together comfortably and productively, free from illegal harassment and discrimination. The City prohibits the unlawful discrimination against or harassment of any of its employees based on an individual's race, religion, color, sex, age, national origin, ancestry, marital status, medical condition, sexual orientation, or physical and mental disability or any other legally protected characteristic.

Prohibited harassment may include, but is not limited to, epithets, slurs, derogatory comments or jokes, intimidation, negative stereotyping, threats, assault or any physical interference with the employee's normal work or movement, directed at any employee or employees. Harassment may also include written or graphic material placed on walls, bulletin boards or elsewhere on the City's premises or circulated in the workplace that denigrates, shows hostility or aversion towards an individual or group because of the characteristics identified above.

Whether or not the person meant to offend or believed his or her comments or conduct were welcome does not dismiss behavior that is offensive or harassing.

B. Sexual Harassment

The City also is committed to providing a workplace free from sexual harassment. Sexual harassment is a type of prohibited harassment which deserves special mention. Sexual harassment is defined as unwelcome sexual conduct of any nature that creates an offensive or hostile work environment or unwelcome sexual conduct that is made a

condition of working at the City. Sexual harassment, like other forms of harassment, will not be tolerated by the City.

Prohibited sexual harassment includes unwelcome sexual conduct such as:

- Verbal harassment (e.g., sexual requests, comments, jokes, slurs);
- Physical harassment (e.g., touching, kissing); and/or
- Visual harassment (e.g., posters, cartoons or drawings of a sexual nature).

Whether or not the offending person meant to offend, or believed his or her comments or conduct were welcome, is not significant.

C. Workplace Defined

The workplace is not limited to City facilities but may also include client and vendor facilities, and City-related functions held off of City property (i.e., City Council meeting at a privately-owned community meeting room or attendance at an off-site conference). Additionally, any place that employees and their supervisor are together for City related business or a City related function may be construed as the workplace.

D. Training

The City is committed to comply with mandated training as required by the State of California.

E. Complaint Procedure

- (1) If an employee believes that he or she has been harassed by any City employee, vendor, client, or other business contact, the employee should immediately report the incident to his or her supervisor. If the immediate supervisor is involved in the reported conduct or, for some reason, the employee feels uncomfortable about making a report to that supervisor, the employee should report the incident to another supervisor or any Department Manager, or report the incident directly to the Administrative Services Department.
- (2) A supervisor who becomes aware of conduct that may constitute prohibited harassment is required to immediately contact their Department Manager and the Administrative Services Director. Police Department supervisory employees shall follow their department policy.

(3) Any employee may report incidents of harassment, discrimination or workplace wrongdoing to the City's Administrative Services Director.

The City will not retaliate, nor will it tolerate retaliation, against employees who complain in good faith about prohibited harassment in the workplace.

The City will investigate any report of prohibited harassment or retaliation. All employees and supervisors have a duty to cooperate in the City's investigation of alleged harassment or retaliation. Failure to cooperate or deliberately providing false information during an investigation shall be grounds for disciplinary action up to, and including, termination.

The City will take whatever corrective action is deemed necessary, including any disciplinary action up to, and including, discharging any individual who is believed to have been found engaging in prohibited discrimination, harassment or retaliation, or violated this policy in any manner. Although the City has limited ability to discipline non-employees who violate this Policy (e.g. vendors and contractors), it will take remedial action aimed at ensuring that the harassing/discriminatory conduct stops.