

City of Sparks Administrative Rules

4.120 Workplace Harassment & Discrimination Prohibited

General

The City is committed to a work environment free of bias, prejudice and harassment. The City will promote an environment where all individuals are treated with respect and dignity. Employees have the right to work in an atmosphere that promotes employment opportunities and prohibits discriminatory practices.

Harassment and discrimination is prohibited in the workplace or in any work related setting outside the workplace. Every employee shares the responsibility for bringing to the City's attention, conduct that interferes with providing a work environment free of illegal discrimination and harassment. Employees shall not engage in discrimination, harassment or retaliatory conduct in violation of this rule. Workplace harassment manifests itself in two primary ways:

1. In forms of harassment that violate state and federal laws.
2. In forms of harassment that may not violate any law, but which violate this rule because they are not contributing to creating a work environment for employees that is consistent with the intent of this rule.

Employees are encouraged to talk with their supervisor, department director or Human Resources about harassment they experience regardless of its origin. When supervisors or managers become aware of such behavior or receive such complaints, they are expected to take timely and appropriate corrective action to stop the behavior.

Applicability

This rule covers all employees and applicants for employment with the City, elected officials and contractors providing services to the City such as outside vendors or consultants.

Definitions

Protected Class: It is the City's policy to prohibit workplace harassment and discrimination on the basis of any protected class. A protected class is defined as: race, religion, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender, gender identity or expression, veteran status or other protected status under applicable law; including, interference with aid or appliance for disability and refusal to permit service animals, as defined by the ADA, at the City.

Discrimination: Unequal or different treatment of an individual in any personnel action on the basis of a protected class or other protected status under applicable law.

Harassment: Verbal or physical conduct that is derogatory or shows hostility towards an individual because of their protected class or other protected status under applicable law; and, has the purpose or effect of creating an intimidating, hostile, abusive or offensive work environment; or has the purpose or effect of unreasonably interfering with an individual's work performance; or adversely affects an individual's employment and employment-related opportunities.

City of Sparks Administrative Rules

4.120 Workplace Harassment and Discrimination Prohibited-Continued

Sexual Harassment: Unwanted sexual advances, request for sexual favors, and other sexually oriented verbal or physical conduct constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct is used as a basis for employment decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.

Examples of Prohibited Conduct

The following conduct is expressly prohibited, even if the harasser feels the activity is in jest:

- Use of epithets, innuendos or slurs on the basis of a protected class or other protected status under applicable law.
- Jokes, pranks or other banter, including negative stereotyping, that is derogatory or shows hostility on the basis of a protected class or other protected status under applicable law.
- Written or graphic material that is disparaging or displays hostility on the basis of a protected class or other protected status under applicable law and is visible or circulated in the workplace. This includes the use of the City's electronic assets.

Retaliation Prohibited

The City will not tolerate retaliation against any individual who reports discrimination or harassment, testifies, assists, or participates in any manner in an investigation, proceeding or hearing, regardless of the outcome of the complaint.

Employee Responsibility

If you believe you are being subjected to conduct that violates this rule, you are encouraged to:

1. Tell the offender to "stop it!" Say it firmly, without smiling or apologizing. Nothing prevents you from filing a complaint because you did not tell the offender that their behavior is unwelcome or asked the offender to stop.
2. Promptly file a complaint using the applicable procedure stated in this Administrative Rule.
3. If you are a witness to prohibited conduct, you are encouraged to bring that information to the attention of your supervisor, your department director or Human Resources.

Filing a Complaint

This rule is not intended to restrict an individual's right to file a complaint with the appropriate local, state or federal agency or to file a grievance under a collective bargaining agreement or resolution. However, notifying a union steward or other union official does not constitute filing a complaint with the City under the complaint process outlined below.

City of Sparks Administrative Rules

4.120 Workplace Harassment and Discrimination Prohibited-Continued

Internal Complaint Process

Any individual who feels they have been the victim of prohibited discrimination or harassment are encouraged to notify the responsible person(s) of the inappropriateness of their conduct.

City employees are encouraged to discuss concerns with their immediate supervisor. If the employee does not feel comfortable discussing the concerns with their immediate supervisor, the employee should contact the Department Director or Human Resources. A non-city employee, such as an applicant or an elected official may contact the specific department where the alleged discrimination or harassment occurred or Human Resources.

Internal Investigation: All complaints must be thoroughly and promptly investigated. The individual making the complaint and the accused shall be notified of the pertinent findings of the investigation and whether action will be taken. It is not proper for participants in the investigation to discuss the investigation other than with the investigator. Refusal to participate or cooperate with an investigation or interfering with an investigation is grounds for disciplinary action, up to and including termination. Retaliation will not be tolerated. When appropriate, the individual who receives the complaint may discuss options for informally resolving the complaint with the complainant.

External Complaint Process

An external discrimination or harassment complaint is defined as any complaint of discrimination or harassment filed with a court or local, state or federal enforcement agency. External complaints are handled by Human Resources and the City Attorney's office. Any employee who receives a copy of notice of an external complaint shall immediately forward that complaint to Human Resources. Human Resources will ensure that the City Attorney and City Manager are apprised of the complaint.

Confidentiality

Information received in connection with inquiries or in the filing, investigation, and resolution of workplace harassment and discrimination complaints is treated as highly sensitive. Employees authorized by the City to receive and investigate complaints are required to maintain confidentiality to the extent that is possible. When necessary, the City may utilize outside counsel to perform an investigation into a complaint of Sexual Harassment or Discrimination. It is expected and anticipated that all parties involved in complaints will observe the same standard of sensitivity. It is emphasized that this practice is in the best interest of all parties, however, confidentiality cannot be guaranteed.

History

Effective: November 1, 2004

Revised: January 1, 2015