

822. Respectful Workplace Policy**Effective Date:** 2/2/2020

The City is committed to creating a respectful and professional work environment that is free of discrimination, harassment, and retaliation to promote productive working relationships. Discrimination, harassment, and retaliation in any form ~~constitutes~~constitute misconduct that will not be tolerated. This policy prohibits all such misconduct that could be unlawful, as well as misconduct that may not rise to the level of being unlawful but is inappropriate, ~~based on protected status~~whether it is based on protected status or not. While no Respectful Workplace Policy can or should anticipate and list every inappropriate behavior that is prohibited, employees are expected to exercise common sense and judgment to avoid disrespectful or unprofessional conduct during work time or while on City property.

4 .1 Definitions: the following words as used in this policy have the following meanings:

Protected Class Status

Race, color, sex, age, religion, national origin, disability, political beliefs, sexual orientation, gender identity, or gender expression. However, this policy does not confer any rights to employees that are not afforded by law.

Discrimination

~~Is treating~~ a person or group less favorably on the basis of protected class status (as defined above and at §829).

Harassment

~~Unwelcome or inappropriate conduct related to the individual's protected status that objectively creates a hostile or offensive work environment or results in a negative employment action (such as discipline). Is a form of employment discrimination that is unwelcome conduct based on protected class status. It is offensive conduct that becomes a condition of continued employment or is severe or pervasive enough to create a work environment that is objectively intimidating, hostile, or abusive.~~ Types of conduct considered unacceptable and therefore prohibited (even if not unlawful) may include offensive jokes, slurs, name-calling, threats or assaults, intimidation, ridicule, insults, offensive objects, gestures, or pictures, and interference with work performance. However, petty slights, annoyances, minor or isolated incidents (unless extremely serious) typically do not violate the policy.

Sexual Harassment

~~A type~~s a form of ~~harassment~~sex discrimination focused on unwelcome conduct or comments based on sex (including pregnancy, sexual orientation, or gender identity) that objectively ~~create~~creates a hostile or offensive work environment or ~~result~~results in a negative employment action (such as discipline). Types of conduct considered unacceptable and therefore prohibited (even if not unlawful) include unwelcome sexual advances, requests for sexual favors, offensive comments about gender (including comments that are not sexual in nature) or other ~~offensive~~verbal or physical conduct ~~based on sex~~of a sexual nature.

Bullying

~~Is repeated and unreasonable behavior intended to intimidate, degrade, threaten, or humiliate an employee regardless of protected class status. Types of conduct considered unacceptable and therefore prohibited include verbal abuse (shouting, derogatory names, ridicule, insults, slurs, threats, or unwarranted criticism); intentionally isolating, excluding, or spreading malicious rumors; making physical gestures that are threatening or aggressive, damaging personal property; cyberbullying (sending offensive messages or posting humiliating content online) or cyberstalking; and work sabotage (withholding crucial information, setting impossible deadlines, or stealing credit for ideas).~~

Such behavior violates this policy as well as PPM 400 Work Rules which clearly explains employee expectations.

Workplace bullying does not include reasonable actions taken by managers or supervisors to direct and manage work, including performance evaluations, disciplinary actions, and constructive feedback.

Inappropriate Behavior

Is behavior that is unprofessional, disruptive, and/or that could disrupt or negatively impact job performance or the work environment.

Some examples include:

- Shouting; profanity; throwing objects;
- Intentionally taking or damaging property;
- Being rude or hostile; emotional outbursts;
- Gossiping (informal communication that undermines productivity and teamwork, which is often based on speculation or fabrication that serves no legitimate or positive business purpose);
- Being uncooperative or refusing to collaborate;
- Public displays of affection;
- Intimate or sexual activity, comments, or discussion;
- Misuse of City technology to send, view, or store sexually explicit or highly personal material;
- Invading other's physical space;
- Deliberate unwelcome touching; ridiculing, mocking, or laughing at others' mistakes and/or abilities;
- Wearing clothing that is too tight, transparent, or exposes undergarments or midriffs.

Inappropriate behavior does not include minor instances.

Retaliation

~~Treating an individual less favorably~~

Is when a manager or supervisor takes a materially adverse action against an employee because ~~the~~ employee ~~made~~they asserted their rights by making a good faith report—— or participated in a claim, investigation or lawsuit related to discrimination, harassment, or retaliation or opposed such misconduct.

.2 Employee Responsibilities

~~.24~~ .21 Employees are required to comply with ~~the~~this policy, treat others with respect, remain professional at all times, and sign the Respectful Workplace Culture Pledge. Failure to do so may result in disciplinary action, up to and including termination.

~~—~~.22 ~~-~~Employees have the right to work free from discrimination, harassment, ~~or bullying,~~ inappropriate behavior, and retaliation ~~based on protected status,~~ including from such misconduct by elected or appointed City officials, vendors, and the public. Employees also have the right to make a good faith report of any such misconduct without fear of retaliation.

~~—~~.23 ~~—~~ Employees who believe that they have been subjected to ~~any type of possible discrimination, harassment, misconduct prohibited by this policy and/or retaliation based on protected status, they~~the Respectful Workplace Culture Pledge are encouraged (but not required) when appropriate to address their concerns immediately with the offending party. Employees who do not address it with the offending party, or they do, and it does not resolve the issue, should report the conduct within five (5) ~~work days~~workdays to their choice of one of the following:

- The employee's immediate supervisor;
- Any supervisor in the employee's chain of command;
- The employee's department manager or department head;
- The Personnel Director or designee; or
- The City's Ethics Hotline _____

.24 — Employees are required to cooperate and provide truthful information in any investigation under this policy. Once a complaint is reported, employees should not discuss the matter outside the investigation. Failure to maintain confidentiality or otherwise interfere while the investigation is ongoing could result in disciplinary action, up to and including termination.

-.25 Employees who file false or malicious allegations of ~~discrimination, harassment, or retaliation~~ violations of this policy are subject to disciplinary action up to and including termination.

_____.26 Employees can also ~~can~~ file discrimination, harassment, or retaliation complaints with external agencies or authorities.

.3 Manager and Supervisor Responsibilities

.31 — Managers and supervisors are required to comply with this policy as well as to implement it to ~~assure~~ ensure that employees comply. Any supervisor or manager who becomes aware of possible ~~discrimination, harassment, retaliation or other misconduct~~ violations of this policy and condones it by action or inaction or fails to comply with this policy is subject to disciplinary action, up to and including termination.

_____.32 Managers and supervisors should support this policy by reinforcing the requirements to employees and training them that misconduct such as inappropriate jokes, slurs or other negative comments ~~based on protected status~~ will not be tolerated (although employees are required to comply regardless of whether the manager or supervisor reinforces the requirements). Managers and supervisors must take immediate action to stop and prevent possible ~~discrimination, harassment or retaliation~~ violations of this policy. They are expected to monitor the workplace and be alert for any signs of misconduct or hostility toward an individual or group ~~because of protected status~~. They must be aware not to give tacit approval of such misconduct, for example, by laughing, ignoring, or treating it as a joke, or advising the employee not to complain or to report it.

.321 Managers and supervisors are required to actively work to cultivate a positive, respectful, and inclusive culture by prioritizing trust, communication, and employee well-being in accordance with this policy and the Respectful Workplace Culture Pledge.

.33 Managers or supervisors who see, hear, encounter or otherwise become aware of potential misconduct or complaint related to possible ~~discrimination, harassment or retaliation~~ violations of this policy, regardless of the department in which it occurred, must report it to the Personnel Director or designee in writing, as soon as possible but at least within two (2) work days.

_____.34 — Managers and supervisors ~~are~~ should not ~~to~~ conduct their own investigation and instead

must report the matter to the Personnel Director, even if the employee(s) involved requests confidentiality or do not want to make a complaint to the Personnel Director.

.35 —If the Personnel Director's investigation substantiates misconduct ~~related to protected status~~in violation of this policy, the department head is required to take appropriate corrective or disciplinary action consistent with the direction of the Personnel Director.

~~.4~~ —Investigations Responsibilities

~~.41~~ —The Personnel Director or designee will conduct a prompt and impartial investigation complaints filed under this policy.

~~.42~~ —The investigation will be kept as confidential as possible to protect the employees reporting the matter or participating in the investigation, to the extent consistent with conducting an effective investigation and taking any appropriate corrective action.

~~.43~~ —The Personnel Director or designee will advise the department head and any others deemed appropriate of the outcome of the investigation and any appropriate corrective or disciplinary action to be taken.

~~.44~~ —The final status of the complaint (but not necessarily the detailed results) will be communicated to the reporting employee and to any others the Personnel Director deems appropriate.

