



HARASSMENT, DISCRIMINATION AND RETALIATION PROHIBITION AND PREVENTION POLICY

City Council Meeting
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Council Policy 700-03

- Policy was last updated in 2005.
- At the June 10, 2014 City Council meeting staff was directed to bring a revised Policy to a Study Session in the near future.
- On July 29, 2014 staff provided a study session to review the revised Policy and Council directed staff to further revise the Policy and return in August.

Council Policy 700-03

- On August 26, 2014 another study session was conducted by staff that addressed the requested Policy clarifications. At the conclusion of the study session it was suggested and agreed upon that City Council members and elected Board, Commission and Committee members would be extracted from the Policy.
- In November 2014, HR staff met and conferred with bargaining units.

Council Policy 700-03

- Effective April 1, 2016 California amended FEHA Employment Regulations affecting Anti Harassment, Discrimination and Retaliation Policies in California. It is now a compliance issue to update the Policy.
- Research by HR staff resulted in the determination that having a separate Policy for Council members was not standard practice.

Substantive Revisions

1. Changing the title of the Policy to include the word “retaliation”. (page 1)
2. Expansion of Protected Persons to include City Council members, elected officials, volunteers, unpaid interns, City contractors and applicants for City employment. (page 1, section 2. A)
3. An expanded list of the protected classes consistent with state law. (page 1, section 2. B)

Substantive Revisions

- Sex which includes pregnancy, breastfeeding, childbirth and any related medical conditions
- Citizenship status
- Genetic characteristics or information
- Military and veteran status

Substantive Revisions

4. A more comprehensive and specific list of the responsibilities of managers, supervisors and lead workers as they relate to Policy enforcement. (pages 4-6, section 4; Exhibit A- pages 2-3, section 4.)
5. Inclusion of responsibilities of other individuals covered by the Policy. (page 6, section 4; Exhibit A- pages 3- 4, section 4.)
6. Guidelines for identifying harassment. (pages 6-7, section 5; Exhibit A-page 4, section 5.)

Substantive Revisions

7. Complaints by City contractors and applicants for City employment are now handled through the City complaint process. (page 7-8, section 7; Exhibit A-page 5, section 7.)
8. Clarification that the investigation procedures apply to complaints of retaliation against City employees. (page 8, section 7.B.1; Exhibit A-page 5, section 7.B.1.)
9. Differentiating between the referral process for complaints against a City Council member or appointed City board, commission or committee member and others to whom the Policy applies. (page 9, section 7.B. 6.; Exhibit A-page 6, section 7.B.6.)

Substantive Revisions

10. A clearer outline of the process that is used by the Director of Human Resources when notification of a complaint has been received. (pages 9 & 10, section 7.C; Exhibit A-pages 6-7, section 7.C.)

11. Differentiation between the Right of Appeal process for City Council members, appointed City board, commission and committee members and others covered by the Policy. (page 11, section 8; Exhibit A-page 7, section 8.)

Substantive Revisions

12. Addition of confidentiality. (page 11, section 9; Exhibit A-page 8, section 9.)

13. Differentiation between the Sanction and Discipline process for City Council members and appointed City board, commission and committee members and others covered by the Policy. (page 12, section 11; Exhibit A-page 8, section 11.)

RECOMMENDATION

- It is recommended by the Department of Human Resources that the City Council accept and adopt the revised Harassment, Discrimination and Retaliation Prohibition and Prevention Policy as amended.

- Questions?