

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: AMY REEVE, DIRECTOR OF HUMAN RESOURCES
HUMAN RESOURCES DEPARTMENT
JEFF BERK, CHIEF ASSISTANT CITY ATTORNEY
CITY ATTORNEY'S OFFICE
SUBJECT: HARASSMENT PREVENTION POLICY REVIEW

AGENDA ACTION: STUDY SESSION

RECOMMENDATION

It is recommended by the Human Resources Department and the City Attorney's Office that the Council hold a study session to review the City's Harassment, Discrimination and Retaliation Prohibition and Prevention Policy #700-03. The Council may receive information, ask questions, discuss and provide direction to staff.

EXECUTIVE SUMMARY

Following recent events in local government agencies, there is a desire to ensure that the City of Santa Rosa is grounded in the appropriate policies and procedures to protect individuals in the case of harassment. This presentation reviews the current City policy, training protocols to ensure compliance. It also addresses situations involving allegations of harassment against a Council member. The City's current policy may be updated and brought back to Council at a future meeting.

BACKGROUND

At the April 13, 2021 Council Meeting, Council members requested an update on the policy. Council directed staff to research the policy further and return for a study session to provide additional information regarding such policies.

PRIOR CITY COUNCIL REVIEW

The current City of Santa Rosa Harassment, Discrimination, and Retaliation Prohibition and Prevention Policy #700-03 was amended and adopted by Council on August 30, 2016.

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On August 26, 2014, a study session was conducted by staff that addressed the requested Policy clarifications and provided a legal context to the Policy. An attorney from Liebert Cassidy and Whitmore delivered the legal overview and answered questions posed by the Council. In addition, staff fielded specific Policy questions as they related to the City organization

On July 29, 2014, staff provided a study session for the Council to review the revised Policy, which included an expanded list of those protected under the Policy consistent with state law, and to direct staff on further action. Several points of clarification were raised. As a result, the Council directed staff to revise the policy and return in August for another study session and provide additional information regarding the legal background for such policies.

At the June 10, 2014 City Council meeting, Council directed staff to amend the Anti-Harassment, Discrimination and Retaliation Policy and schedule a study session and training at the earliest possible time to incorporate the amendments.

ANALYSIS

The City Council expressed an interest in understanding City safeguards and ensuring the City is compliant on harassment policies and practices, following several local events concerning complaints of harassment brought against elected officials in surrounding jurisdictions. The Human Resources Department trains all newly hired employees within six months of hire or promotion, regarding Harassment, Discrimination, and Retaliation Prohibition and Prevention Policy #700-03. Temporary and seasonal employees are trained within 30 calendar days, or within 100 hours worked.

In addition, every two years, there is a mandatory refresher training. Elected and appointed officials and supervisors receive two hours of training. The City has also elected to provide the two-hour, in-depth training in departments where there is less daily supervision of staff out in the field. This includes staff in Police, Fire, Water, Wastewater and Transportation and Public Works.

The training provided to City employees and elected officials is constantly updated through the existing relationship with Liebert Cassidy Whitmore (LCW) who provides outside legal counsel through a public sector legal consortium. Our City trainers are certified to provide the training to City staff through LCW, and uses the materials developed and recommended by LCW.

After the current study session, Human Resources staff will meet and confer with the bargaining units as required by Meyers-Milias-Brown Act (Government Code §§ 3500 et seq.) to revise the existing policy and bring it into compliance. After the meet and confer with the Unions, the policy will be presented to Council for further discussion and approval.

FISCAL IMPACT

The study session will have no fiscal impact.

ENVIRONMENTAL IMPACT

The proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects on the environment, and that no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable

NOTIFICATION

Not applicable

ATTACHMENTS

- Attachment 1 – Harassment, Discrimination, and Retaliation Prohibition and Prevention Policy #700-03 adopted 8/30/2016
- Attachment 2 – Code of Conduct Policy for Council Members and Board and Commission Members 000-51

CONTACT

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