

## SOUTH PLACER MUNICIPAL UTILITY DISTRICT POLICIES

<b>Policy Name:</b>	2039 – HARASSMENT POLICY		
<b>Approval Authority:</b>	SPMUD BOARD OF DIRECTORS	<b>Adopted:</b>	11/05/2020
<b>Resolution No.</b>	20-33	<b>Revised:</b>	

### PURPOSE

The purpose of this policy is to protect employees, to the extent possible, from reported harassment by employees or non-employees in the workplace.

### POLICY STATEMENT

#### Section 1. General

California Law under the Fair Employment and Housing Act (FEHA) prohibits discrimination, harassment, and retaliation. The law also requires that employers “take reasonable steps to prevent and correct wrongful (harassing, discriminatory, retaliatory) behavior in the workplace (Cal. Govt. Code §12940(k)). The South Placer Municipal Utility District takes reasonable steps to prevent and promptly correct discriminatory and harassing conduct. It is the District's policy to provide a workplace environment that is free from employment practices prohibited by the Harassment and Discrimination Prevention and Correction Act and to maintain an atmosphere of mutual respect that is free of harassment. The kind of conduct which is characterized as harassment will not be tolerated.

#### Section 2. Behaviors

Along with Federal Laws prohibiting discrimination, harassment, and accommodations in California, harassment laws are also part of the FEHA. The California Department of Fair Employment and Housing (DFEH) enforces FEHA. Harassment is defined to include:

- Verbal harassment, such as epithets, derogatory comments, or slurs.
- Physical harassment, such as assault or physical interference with movement or work,
- Visual harassment, such as derogatory cartoons, drawings, or posters.
- Gender harassment.
- Hostile work environment harassment where speech or conduct is “severe or pervasive” enough to create a hostile or abusive work environment.
- Harassment based upon pregnancy, childbirth, breastfeeding and/pregnancy related medical conditions.
- Sexual favors, e.g., employment benefits in exchange for unwanted sexual advances (often referred to as *quid pro quo* harassment).

Complaints of discrimination must be filed within one (1) year from the date of the alleged discriminatory act. This law specifically provides protection from harassment or discrimination in employment because of:

- Age (40 and over)
- Ancestry

- Color
- Religious Creed (including religious dress and grooming practices)
- Denial of Family and Medical Care Leave
- Disability (mental and physical) including HIV and AIDS
- Marital Status
- Medical Condition (cancer and genetic characteristics)
- Genetic Information
- Military and Veteran Status
- National Origin (including language use restrictions)
- Race
- Sex (which includes pregnancy, childbirth, breastfeeding, and medical conditions related to pregnancy, child- birth, or breastfeeding)
- Gender, Gender Identity, and Gender Expression
- Sexual Orientation

It does not matter if the harasser and the victim are of the same sex. Sexual harassment includes unwelcome conduct of a verbal or physical nature, regardless of the gender, gender identity, gender expression, or sexual orientation of the harasser or the victim.

### **Section 3.** Personal Liability

Any individual who engages in harassing conduct contrary to this policy may be personally liable in any legal action brought against them.

### **Section 4.** Reporting

If any employee believes that they are a victim of harassment, that employee should immediately report the incident to their manager. If the manager is involved in the reported conduct, or if for some reason the employee feels uncomfortable about making a report to that manager, the report should be made to the General Manager (or to the District General Counsel if the General Manager is involved in the reported conduct). If management receives a third-party report of harassment by someone other than the employee, it is obligated to investigate the report of harassment and take action in accordance with this policy.

### **Section 5.** Investigation

The District will investigate any such report and will take whatever corrective action is deemed necessary including disciplining or discharging any individual who is believed to have violated this prohibition against harassment.

### **Section 6.** Confidentiality

To the extent possible, an employee reporting an act of harassment will be accorded confidentiality. However, depending on the circumstances, disclosure of identities of individuals making such reports may be required (i.e., when discipline results from such reports). Investigation records will be held in the strictest confidence, to the extent permitted by law. The privacy rights of all parties involved in an investigation will be protected to the greatest extent possible.

**Section 7.** Disciplinary Actions

Harassment of any kind will not be tolerated, and the District will take appropriate disciplinary action whenever such harassment is demonstrated.

**Section 8.** Non-Employee Harassment

A non-employee who subjects a District employee to harassment in the workplace will be informed of the harassment policy by the employee's manager or the General Manager, who will take such actions as they deem appropriate and which are consistent with this policy.

**Section 9.** Employee and Management Responsibility

**Employee Responsibility** - It is each employee's responsibility to conduct themselves in a manner consistent with a harassment-free workplace. Any harassment should be reported to a manager or the General Manager.

**Management Responsibility** - It is management's responsibility to ensure a workplace free from harassment and to implement and maintain this policy. Upon notification of a violation of the policy, District Management is obligated to:

1. Take appropriate and immediate action to ensure a workplace free from harassment.
2. Managers must notify the General Manager of all acts or threats of harassment.
3. Investigate every reported threat or act of harassment. Include another manager when possible. The investigation will be immediate, thorough, and objective.
4. Document the investigation in a confidential file to be maintained by the Administrative Services Manager.
5. Maintain confidentiality. To protect the privacy of the people involved, detailed information regarding investigations and subsequent actions will be confidential.
6. Take appropriate preventive and disciplinary action.