



CITY COUNCIL AGENDA REPORT

Meeting Date: June 18, 2020

From: City Manager

Subject: Equity & Equal Opportunity Status & Update –CM Report Item #3

Background

As very serious events have unfolded throughout our Country, it is timely to review what we do locally and seek opportunities to improve. The purpose of this report is to provide for transparency in our programs, policies and efforts in areas of Equity and Equal Opportunity both internal to our organization and in our interactions with the community of Brisbane which we serve.

I have attached overviews from our Public Safety departments as well as a Crime Statistic Sheet. (Attachment A, B & C).

The City of Brisbane bi-annually requires all of our employees to attend “Harassment Training” which covers topics including gender, race and ethnicity and age. We have an adopted policy, which I have attached (Attachment D) which both outlines the policy as well as steps an employee can take to make a complaint. All complaints are handled with utmost care and attention to issues of privacy.

Employees may also file complaints either internally in their department or to Human Resources if there are concerns outside of the items covered by this policy. Additionally, applicants for city positions may also file a complaint. Complaints almost always require the review of our legal team and as facts and conditions dictate the City management will take steps to either correct or modify decisions. Each case is unique unto itself and it is a disservice to the seriousness of the issue to try and generalize. Over time the number of complaints we address average 1 or 2 a year.

In addition, all City Employee labor agreements outline procedures for filing grievances and the process for hearing and adjudicating disputes. Disputes may be on interpretation of a labor agreement or potentially discipline of an employee. Grievances are very low in number for our City. Over a decade we may have had 2 or 3.

Police Department

Development and oversight of Police Department Policies is outlined in Attachment A. Crime Statistics are listed on Attachment C.

As to the later many calls for service for Police fall into several categories. For example, a call may come in as an individual acting in a menacing manner. The underlying cause could be a

combination of issues such as homelessness, drug addiction and mental health. At the time of a call an Officer is dealing with an exhibited behavior and potentially a violation of the criminal code. It is very difficult to cull out calls and simply say that Police should not be responding but rather social workers and/or mental health experts should respond instead. Certainly, these professionals need to be involved if our society is going to be able to address the underlying causes. Of interest in the calls for service less than 1% fit into a purely social service or mental health criteria. Our Officers work with various social service agencies in San Mateo County to provide services to people and direct them into appropriate programs or resources.

A great majority of Police interaction with people are a result of calls that come in through dispatch. One category of calls in Brisbane are of the nature of someone viewing an individual who in their experience or opinion does not belong or fit in town. The Officers job is to contact the individual and determine if there is criminal activity or another issue is involved. The recipient of this type of call may feel as though the Officer is harassing them, but from the Officer's perspective, he or she is simply responding for a call for service from the Community. All of this is to say that the day to day activities of a Police Officer even in a small town is complex and multi-layered.

Over the past 30 years we have not had a credible sustained complaint regarding excessive use of force by a Brisbane Police Officer.

Social Service Funding

As a small City we have limited funding for social services. Brisbane is not an entitlement City for Community Development Block Grant funding from the Federal Government. Our funds are directed to the County who does the majority of government funding of social services. We do however budget funds annually for the San Mateo County HOT program that serves the Homeless; Star Vista/First Chance; YMCA, Youth Counseling @ our schools; CORA, Domestic Violence Services; San Mateo County Keller Center for Victims of Child Abuse and Victims of Sexual Assault.

Next Steps

Many employees of the City have been making various suggestions to address the larger societal issue around racism and equity in our society. Over the years, we have developed a series of internal working groups to address issues such as Social Media (BSMUG), Innovation, Technology, etc. In that spirit we are developing an Equity Working Group to address issues that the employees believe need changing or new approaches. Recently the Parks and Recreation staff came forward with the ideas of Posters to address both COVID-19 as well as Racism. They also did the "detail" work of developing the Black Lives Matter, George Floyd Memorial that was placed on our Community Sign Board. I anticipate that the Working Group will come up with ideas that both have an internal focus as well as an external focus. As appropriate we will bring those items to the Council.

Chief Macias will also orally discuss how her department is addressing the various issues facing Police Departments that are relevant to what we are hearing in the media. These include:

- Policy development through Lexipol (what is Lexipol and how does it work)
- Training including:

Anti-bias
Cultural Diversity
Critical Incident
De-escalation
Sexual Harassment

- In car cameras
- Body worn cameras
- Quarterly audits of the Camera Program
- Required Use of Force of Department of Justice
- Department of Justice mandated STOP data collection program (2021)
- Citizen Complaint Process

1 Citizen complaint in the last 3 years

No sustained Use of Force complaint in the last 30 years

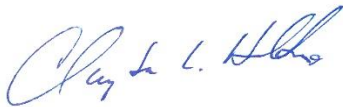
- Department equality/diversity

Recruitment

POST Bi-Annual Audit

Attachments:

- A. Police Programs and Policies
- B. NCFE Fire Diversity & Inclusion Efforts, Oversight & Governance
- C. Crime Statistics
- D. Discrimination and Harassment Policy



Clay Holstine, City Manager

ATTACHMENT A:

BRISBANE POLICE DEPARTMENT PROGRAMS AND POLICIES

The Brisbane Police Department along with all San Mateo County law enforcement agencies, use Lexipol Law Enforcement Solution to develop policies based on best practices guidelines. Lexipol ensures that all agencies are aligned with State and Federal law and they stay current with legislative changes, and training mandates, maintaining positive community relations, and ensuring officer and citizen safety.

The Brisbane Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, marital status or any other protected class or status.

(Recruitment and Selection Policy 1000)

We recruit applicants by attending various job fairs throughout the county, college and high school job fairs and list our opening positions through CalOpps, a website listing all public job openings. When applicants apply for jobs for our department, we encourage them to go on a ride along to learn about our community oriented policing philosophy and get a feel for our community.

Hiring Process for Law Enforcement positions:

- Application – CalOpps – Screened by HR for meeting the department’s minimum qualifications
- Oral Board Panel – Passing required
- Administrative Interview – Chief /Commander
- Background Investigation- outside background investigator – to verify his/her personal integrity and high ethical standards and to identify any past behavior that may be indicative of the candidate’s unsuitability to perform duties relevant to the operation of law enforcement position.
- Polygraph Test
- Cognitive screening – Psychological screening
- Medical screening – Meet the minimum requirements from Peace Officer Standards & Training
- Field Training Program – 12-16 weeks

Lateral Officer – 12-16 week Field Training Program

Entry Level Officer – PASS/6 months Police Academy
12-16 week Field Training Program

- 1 year probation

Trainings:

We invest heavily in training and keeping well above the minimum California Peace Officer Standards and Training requirements for law enforcement.

- All of the officers (100%) are CIT - Crisis Intervention Team - trained. "In every interaction we have, and during every call for service, the safety of all involved parties is our top priority."
- Our officers train Bi-monthly on topics such as the appropriate use of tools and tactics, legal updates, de-escalation efforts, and a variety of other skills,
- Officers receive annual Anti-bias/Cultural Diversity training
- Officers receive annual training on sexual harassment/discrimination/workplace violence training
- Officers are required to complete Daily Bulletin Trainings - Even the best policy manual isn't effective if it's not backed by ongoing training. Not only do we have officers read and sign off on our department policies and updates, but we also train on these policies, through a brief, scenario-based lessons and includes a test question at the end to measure comprehension of the policy. This is a way to enhance officer's understanding of our policies and how to apply these policies in real situations and improve their ability to make well-reasoned decisions.
- We have a Training Topics page on BPD's section of the website: <https://www.brisbaneca.org/police/page/training-topics>

Policies: We have all of our policies on our BPD website for the public view.

- Bias-Based Policing Policy (Policy 402)
- Discriminatory/Harassment Policy (Policy 328)
- Personnel Complaint Policy (Policy 1020)

Personnel Complaint process: We take all complaints regarding service provided by the Brisbane Police Department seriously.

Complaint forms are available on our BPD website or hard copy at the station

- Complaint form filled out by Complainant, received by Supervisor/Watch Commander
- Complaint given to Commander for review and assigned an Internal Review Investigator
- Completed investigation/disposition, returned to the Commander for review/disposition.
 - If allegation of misconduct is sustained/Commander imposes discipline
- Discipline can range from written/suspension/termination.
- Goal of discipline is to change behavior. Imposed discipline can depend on prior complaints in officer's personnel file/progressive discipline.

Brisbane Police Department believes in having a department that is diverse and reflective of those that live, work and visit our community that we call home.

ATTACHMENT B

North County Fire Authority

Diversity and Inclusion Efforts

NCFA female firefighters are provided for annual female camps to encourage women in the fire service

Annual California Firefighter Joint Apprenticeship Committee (CAL-JAC) firefighter statewide recruitment events with participation by NCFA female and male diverse firefighters staffing a NCFA information booth – Livermore & Sacramento

NCFA is a member of the California Firefighter Joint Apprenticeship Committee (CAL-JAC) Women in the Fire Service Task Force

NCFA Fire Chief Appointed as a board member of the statewide California Firefighter Joint Apprenticeship Committee (CAL-JAC) overseeing the training, education programs, recruitment, retention, physical abilities testing, women in the fire service task force and other beneficial to the fire service

NCFA utilization of the CAL-JAC verified testing process and establishment of a hiring list, which provides for fire departments to select diverse candidates to be interviewed for firefighter job openings

NCFA on-going goal of hiring female and other diverse firefighters has resulted in placement of female firefighters and other diversity into the organization, which is a continual effort

NCFA participation in local elementary, junior high and high school job fair day promoting the fire service as a career to young people of diversity

NCFA annual fire service day open to the communities and of all ages with a special emphasis in promoting diversity in hiring in the fire service

NCFA annual fire safety school visitation program, which also promotes the fire service as a career and encourages diversity in firefighter hiring

NCFA on-going goal of hiring female and other diverse candidates when completing firefighter recruitments

NCFA annual review of personnel diversity and hiring needs - working towards an Inclusive fire organization culture

NCFA has hired female firefighters whenever they are available on the list

NCFA training and education opportunities are available to all in the organization with goal of improving promotional advancement, especially focusing on diversity of personnel when possible as a priority

Oversight and Governance

NCFA required annual harassment and discrimination training & education program

NCFA required annual harassment and discrimination supervisor and employee policy review & acknowledgment documentation – During review emphasis placed on letting personnel know and encouraging each to go to anyone in the fire organization or outside the organization should someone feel or is being harassed, discriminated against or being treated unfairly

NCFA conducts internal investigations following the Firefighter Bill of Rights procedural requirements for any suspected, potential or actual disciplinary matters or issues, including discrimination, harassment or other workplace inappropriate behavior

ATTACHMENT C

Crime Statistic 2019

<u>Total calls for Service</u>	82,490
Property Crimes	63,920
Crimes against Persons	8,030
Miscellaneous	10,450
<u>Social Service Calls</u>	776
Elder Abuse	54
Child Protective Services	5
Homelessness	607
Mental Illness (suicides/attempted suicides & 72 hour Psychological evaluation	110

Crime Statistics 2020 (through 5/31)

Total calls for Service	34,319
Property Crimes	27,004
Crimes against Persons	4,620
Miscellaneous	2,695
<u>Social Service Calls</u>	280
Elder Abuse	1
Child Protective Services	10
Homelessness	225
Mental Illness (suicides/attempted suicides & 72 hour Psychological evaluation	

Property crimes include: vehicle burglary, vandalism, fraud, embezzlement, stolen vehicle, theft

Crimes against persons include: assault/battery, disturbance, domestic violence, harassment, sexual assault, robbery

Misc./Calls: collisions, DUI's (alcohol/drug), health/social service calls, suspicious persons, parking calls, BMC violations.

ATTACHMENT D

City of Brisbane PERSONNEL PROCEDURES

Effective Date: January 14, 2004

Revised: March 1, 2019

Approved by: Clayton Holstine, City Manager

Legal Review by:

Subject: Policy Against Discrimination and Harassment in the Workplace

I. PURPOSE

The City of Brisbane is committed to providing a work environment free of discrimination and discriminatory harassment. This policy defines discrimination and discriminatory harassment and sets forth a procedure for the investigation and resolution of complaints of such conduct by or against City personnel including but not limited to elected official, appointed official, employee, volunteer or applicant or from a person providing services to the City pursuant to a contract.

II. POLICY

Discrimination and discriminatory harassment violates this Policy¹ and Section 3 of the City's Personnel Rules and Regulations, and will not be tolerated. To violate this policy, discrimination and discriminatory harassment of an applicant, employee or person providing services pursuant to a contract are conduct based on the following actual or perceived protected characteristics including but not limited to: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status of any person or association with a person on the basis of that person's actual or perceived protected characteristic.

Retaliation against any individual for making a complaint of discrimination or discriminatory harassment or for participating in an investigation or disciplinary proceeding thereto also violates this policy. All employees who violate this policy may be subject to disciplinary action, up to and including termination.

This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

¹ A violation of this policy does not necessarily constitute a violation of state and/or federal law, although discriminatory harassment is prohibited by both. A violation of this policy, although not necessarily a violation of the law, may result in discipline including and up to termination.

III. DEFINITION

A. Discrimination

Discrimination includes but is not limited to:

1. Any behavior or practice which treats a person differently because of that person's actual or perceived protected characteristic or association with a person on the basis of that person's actual or perceived protected characteristic as enumerated in section II- "Policy" of this policy;
2. Systematic exclusion of a person because of that person's actual or perceived protected characteristic;
3. Ignoring, failing to take seriously, blaming a person who reports or complains of conduct prohibited by this policy, or suggesting that he/she is "thin skinned," "too sensitive" or that he/she does not have a sense of humor;
4. Continuing behavior directed at a person's protected characteristic; and/or
5. Engaging in harassment, as more specifically defined below.

B. Discriminatory Harassment

Harassment can consist of virtually any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit nor even specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different genders. Harassment includes, but is not limited to, the following misconduct:

1. Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's actual or perceived protected characteristic. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy, childbirth or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.
2. Physical: Inappropriate or offensive touching, assault or physical interference with free movement when directed at an individual on the basis of that person's actual or perceived protected characteristic. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.
3. Visual or Written: The display or circulation of offensive or derogatory visual or written material related to the enumerated classes listed in section II of this policy. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, notes, letters, invitations, computer graphics or electronic media transmissions.

4. Environmental: A work environment that is permeated with sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements. An environment may be hostile if unwelcome sexual behavior is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his/her immediate surroundings. The determination of whether an environment is hostile depends on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening and whether the conduct unreasonably interferes with an individual's work.

Romantic or sexual relationships between supervisors and subordinate employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

By definition, sexual harassment is not within the course and scope of an individual's employment with the City of Brisbane.

C. Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions or such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

1. Is made explicitly or implicitly a term or condition of employment.
2. Is used as a basis for an employment decision.
3. Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

1. Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.

2. Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.
3. Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, non-coercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

IV. RETALIATION

The City prohibits supervisors, managers and employees from taking any adverse action, as defined below, against an employee because they, in good faith, engaged in a protected activity. Retaliation is strictly prohibited and complaints of retaliation will be promptly and thoroughly investigated in accordance with the City's investigation procedures. Violations of this policy may result in disciplinary action, up to and including termination of employment.

A. Definition of Protected Activity

"Protected Activity" may include, but is not limited to, any of the following:

1. Reporting any incidents of harassment or discrimination, or perceived harassment or discrimination;
2. Participating in any investigation relating to a complaint of harassment or discrimination;
3. Filing a complaint with a federal or state agency;
4. Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the City regarding alleged unlawful activity;
5. Testifying as a party or witness regarding alleged unlawful activity;
6. Associating with another employee who is engaged in a Protected Activity;
7. Making or filing a complaint regarding alleged unlawful activity;
8. Calling a governmental agency's "Whistleblower hotline."

B. Definition of Adverse Action

“Adverse Action” may include, but is not limited to, any of the following:

1. Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing;
2. Refusing to hire an individual because of Protected Activity;
3. Denying promotion to an individual because of Protected Activity;
4. Taking any form of disciplinary action because of Protected Activity;
5. Altering work schedules or work assignments because of Protected Activity.

V. PROHIBITED BEHAVIOR BY SUPERVISORS/MANAGERS

- A. No supervisor, manager or other authority figure may condition any employment, employee benefit or continued employment in this City on an applicant’s or employee’s acquiescence to any of the behavior defined above.
- B. Also, all supervisors and managers are required to maintain confidentiality to the extent possible in communicating or investigating any claim of alleged discrimination or discriminatory harassment. No person shall destroy evidence relevant to an investigation conducted pursuant to this policy. All documents including but not limited to complaints, evidence and investigative documents shall be turned over to Human Resources.

VI. PROHIBITED BEHAVIOR BY ALL PERSONS

- A. No supervisor, manager or any other person in this City shall create a hostile or offensive work environment for any other person by engaging in any discriminatory or retaliatory conduct or by tolerating such on the part of any employee.
- B. No supervisor, manager or any other person in this City may retaliate against any applicant or employee because that person has opposed a practice prohibited by this policy or has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this policy.
- C. No supervisor, manager or any other person in the City shall assist any individual in doing any act which constitutes discrimination, discriminatory harassment or retaliation against any employee.
- D. Both supervisory and non-supervisory employees may be held individually liable for civil damages for engaging in any harassing conduct or for aiding and abetting harassment.
- E. The law also prohibits third parties with whom employees come into contact with from engaging in this conduct. This would include but is not limited to volunteers, unpaid interns, individuals in apprenticeships or training programs, third party contractors or vendors who have business with the City and members of the public.

VII. HUMAN RESOURCES RESPONSIBILITIES AND OBLIGATIONS

- A. A copy of this policy shall be provided to all employees when they are first hired and on an annual basis, as well as displayed in prominent locations throughout the City as well as on the City's ESS website.
- B. A copy of the information sheet on sexual harassment prepared by the Department of Fair Employment and Housing is available to all employees upon request to the Human Resources Department. Also, further information from the Department of Fair Employment and Housing is available at its website, www.dfeh.ca.gov.
- C. Human Resources shall also provide training and assistance to supervisors, managers and employees in preventing and addressing discrimination and harassment as well as investigate, resolve and, when appropriate, make recommendations for prompt corrective and remedial actions of complaints. Human Resources shall take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint. As appropriate, Human Resources shall forward a Determination Letter to complainant and person charged. Human Resources shall also take action to remedy the effects of discrimination/harassment.

VIII. SUPERVISORS/MANAGERS RESPONSIBILITIES AND OBLIGATIONS

- A. All supervisors and managers must participate in mandatory sexual harassment prevention training (including but not limited to training about kinds of harassing behavior, protected traits such as gender identity, gender expression, and sexual orientation, bullying, liability and complaint procedure) once every two years.
- B. Supervisors/Managers shall be responsible for contacting Human Resources immediately upon receiving a complaint or when aware of situation involving potential violations of this policy.
- C. Supervisors/Managers who know or should have known of discrimination or harassment and fail to report such conduct and fail to take immediate corrective action are also subject to disciplinary action up to and including termination from City service.

IX. EMPLOYEES' RESPONSIBILITIES AND OBLIGATIONS

- A. Whenever possible, any employee who believes that he or she is experiencing discrimination or harassment is encouraged to inform the person that the particular conduct is unwelcome, offensive, unprofessional or highly inappropriate. If this does not resolve the matter or if the employee feels uncomfortable, threatened or has difficulty expressing their concern, the employee should report the matter to a supervisor, as set forth below.
- B. All employees shall report any conduct which fits the definition of discrimination or discriminatory harassment to their direct supervisor, Department head or the Administrative Services Director and/or his or her Designee. This includes conduct of non-employees, such as sales representatives or service vendors or harassing conduct toward such contractors. Also, all employees may make a report through the Employee Protection Line which is monitored by an independent third party. An anonymous report may be made at any time, 24 hours a day,

7 days a week, through the Employee Protection Line at 1-800-576-5262 (organization code number 10126), or an employee may file a complaint with the Equal Employment Opportunity Commission at 415-356-5100 or the Fair Employment and Housing Commission at 1-800-884-1684.

- C. All persons shall report to their direct supervisor, the Department head or the Administrative Services Director and/or his or her Designee any instances of abusive conduct, discrimination or discriminatory harassment which they have directly observed, whether or not reported by the employee who is the object of the discrimination or harassment.
- D. All employees shall cooperate with any authorized investigation of alleged discrimination or discriminatory harassment.
- E. Any employee who makes a report or complaint which the employee knows or should know is false, under this policy, shall be subject to disciplinary action, up to and including termination.
- F. All employees shall attend mandatory harassment and discrimination training and education on an annual basis or as required by the City.

X. CONFIDENTIALITY

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the Administrative Services Director or their designee will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the Human Resources Department.

XI. REPORTING HARASSMENT/DISCRIMINATION: COMPLAINT PROCESS

- A. All persons shall immediately report to their direct supervisor, the Department Head or the Administrative Services Director or their designee any evidence or complaints of discrimination or discriminatory harassment made to them. Any supervisor or manager who receives a complaint regarding discrimination or discriminatory harassment shall immediately report it to the Human Resources. Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing.
- B. The Administrative Services Director or their designee shall authorize the investigation or conduct the investigation of any incident of alleged discrimination or discriminatory harassment reported to them. All complaints that are reported will be investigated as promptly as possible. The investigation shall be conducted in a way which ensures, to the extent feasible, the privacy of the parties involved, consistent with the need to conduct an adequate investigation. Complaints will be investigated by impartial and qualified investigator(s). The process will be documented and tracked for reasonable progress, and all investigations will be completed in a timely manner.

- C. The person designated to investigate shall immediately report, in writing, the findings of fact to the Administrative Services Director or their designee who, in turn, will determine whether the policy has been violated and communicate that conclusion to the complainant. Disciplinary action shall be decided in accordance with City policy and after consultation with the City Manager and the Human Resources Department.
- D. Under no circumstances shall an employee who believes that he/she has been the victim of discrimination or discriminatory harassment be required to first report that complaint to a supervisor if that person is the individual who has engaged in the alleged discriminatory or harassing conduct.
- E. No employee shall retaliate against another employee who reports an incident pursuant to this policy. Employees found to have violated this section may be subject to disciplinary action, up to and including termination.

XII. FILING A COMPLAINT WITH THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING AND/OR EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Nothing in this policy will preclude an individual from filing a complaint with the California Department of Fair Employment and Housing (DFEH) and/or the Equal Employment Opportunity Commission (EEOC). Any form of retaliation is prohibited against an individual who pursues administrative relief through either agency, in addition to seeking relief under internal administrative procedures afforded by this policy. For more information on filing a complaint with the DFEH or the EEOC, please refer to the following information:

DFEH

Website: <https://www.dfeh.ca.gov/complaint-process/file-a-complaint/>

Phone: 800-884-1684

Email: contact.center@dfeh.ca.gov

Write to: 2218 Kausen Drive, Suite 100, Elk Grove, CA 95758

EEOC

Website: <https://www.eeoc.gov/employees/charge.cfm>

Phone: 800-669-4000

Email: info@eeoc.gov