

## 2.2 Sexual Harassment/Discrimination:

The City is committed to providing a work environment that is free from discrimination and **unlawful** harassment. Unlawful harassment or discrimination on the basis of race, religion, color, national origin, sex, age, disability or any other basis prohibited by state or federal law will not be tolerated. **Unlawful** harassment and offensive behavior may take different forms and may be verbal, non-verbal or physical in nature.

Under this policy, sexual harassment is defined as behavior of a sexual nature which is unwelcome and personally offensive to its recipient. It is a form of employee misconduct which is demeaning to another person and undermines the integrity of the employment relationship. This sexual harassment policy also applies to same-sex harassment.

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- 1) By threat or insinuation, either explicitly or implicitly, an employee's refusal to submit to sexual advances or refusal to tolerate or participate in unwanted conduct or communication of a sexual nature will adversely affect the employee's terms and conditions of employment, including but not limited to wages, advancement, evaluation, assigned duties, shift assignment, career development, etc.
- 2) Any conduct or communication of a sexual nature has the purpose or effect of substantially interfering with work performance or of creating a hostile, intimidating, or offensive employment environment that may be considered offensive to another employee, including but not limited to:
  - repeated sexual flirtations, advances, or propositions.
  - continual or repeated verbal abuse of a sexual nature.
  - foul language.
  - unwanted physical contact.
  - graphic verbal commentaries about an individual's body or manner.
  - sexually degrading words used to describe the individual.
  - the display of sexually explicit pictures, cartoons, or other materials.

Any employee who feels he/she has been **unlawfully** harassed or discriminated against or that his/her personal rights have been violated should immediately report the matter to the immediate supervisor unless the supervisor is the offending party. If the supervisor is unavailable, or the employee believes that it would be inappropriate to contact his/her supervisor, the employee should immediately contact the finance officer. If the finance officer is the alleged violator, the city attorney shall be contacted.

A supervisor or manager who becomes aware of any possible **unlawful** harassment should advise the department head or finance officer. If the finance officer is the alleged violator, the city attorney shall be contacted. The city will make a thorough, confidential, and impartial investigation of the complaint. All employees must cooperate with any such investigation. The city will take prompt remedial measures to immediately end the offending action.

Discrimination and **unlawful** harassment in the workplace are prohibited by Federal and State law, whether committed by elected officials or supervisory or non-supervisory employees, and will not be tolerated. Retaliation or intimidation directed toward a complaining party is also prohibited by law and will not be tolerated by the City. A legitimate complaint of sexual harassment or discrimination will not have any bearing on the terms and conditions of employment of the complaining party, including but not limited to wages, advancement, evaluations, assigned duties, shift assignments, career development, etc.

A formal complaint of **unlawful** harassment or discrimination may be initiated in lieu of, during, or following this informal process as provided by State or Federal law.

Violations of the above stated policy by any employee may be cause for immediate disciplinary action.

### 2.3.3 Disability Accommodation

The City is committed to the fair and equal employment of individuals with disabilities under the Americans with Disabilities Act (ADA) and all amendments thereto including, but not limited to, the Americans with Disabilities Act Amendments Act (ADAAA). It is the City's policy to provide reasonable accommodation to qualified individuals with disabilities unless the accommodation would impose an undue hardship on the organization. The employee or employment applicant shall inform the Public Works Director or the department of the need for an accommodation, and the City shall engage in an interactive process regarding the request. The City may request documentation of the functional limitations to support the request. Such documentation shall be treated as a confidential record and not kept in the personnel file. The City prohibits any **unlawful** harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested a reasonable accommodation.

### 2.18.2 Discrimination/**Unlawful** Harassment

Employees are prohibited from using electronic equipment to violate City Policy 2.2, titled SEXUAL HARASSMENT/DISCRIMINATION relating to all forms of unlawful harassment and/or discrimination.