

- Smoking in the workplace;
- Sexual or other unlawful or unwelcome harassment (See Section 4.2, Harassment, Including Sexual Harassment);
- Excessive absenteeism or any absence without notice;
- Unauthorized use of telephones, or other company-owned equipment;
- Creation of an undisclosed conflict of interest;
- Use of Utility equipment for purposes other than business;
- Violation of personnel policies; and
- Unsatisfactory performance or conduct.

4.1 ATTENDANCE/PUNCTUALITY

The Utility expects that every employee will be regular and punctual in attendance. This means being ready to work at their starting time each day. Absenteeism and tardiness place a burden on other employees.

Employees unable to report for work for any reason should notify their supervisor before regular starting time.

Undue tardiness will result in corrective action.

4.2 HARASSMENT, INCLUDING SEXUAL HARASSMENT

Sheboygan Water Utility is committed to providing a work environment free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic will not be tolerated.

If you believe you have been the victim of harassment, or know of another employee who has, report immediately to your supervisor or the Superintendent. Employees can raise concerns and make reports without fear of reprisal.

Any supervisor who becomes aware of possible harassment should promptly advise the Superintendent, who will handle the matter in a timely and confidential manner (see Section 8, Sexual and Other Harassment Policy).

4.3 COMPUTER AND INTERNET USE

Sheboygan Water Utility employees are allowed use of computers and the Internet in performing their duties. Usage must conform to the Technology Policy, Section 12.

SECTION 8: SEXUAL HARASSMENT AND OTHER FORMS OF HARASSMENT PROHIBITED IN THE WORKPLACE

I. PURPOSE

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity, and to provide procedures for reporting, investigating, and resolving complaints of harassment and discrimination.

II. POLICY

It is the policy of the Sheboygan Water Utility that all employees have the right to work in an environment free of all forms of harassment. The Utility will not tolerate, condone, or allow harassment by any employee or other non-employees who conduct business with the Utility. The Utility considers harassment and discrimination of others to be forms of serious employee misconduct. Therefore, the Utility shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this policy can lead to discipline up to and including termination of employment; repeated violations, even if "minor," will result in greater levels of discipline as appropriate.

III. PROCEDURES

A. Prohibited Activity (Sexual Harassment and Harassment)

1. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term of condition of employment; or
 - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.
2. Harassment is any verbal, written, visual or physical act that creates a hostile, intimidating or offensive work environment or interferes with an individual's job performance.
 - a. No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person.
 - b. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, sex, religion, age, disability, sexual orientation, or national origin. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by the Utility.

B. Covered Individuals

Individuals covered under this policy include employees and applicants for employment, volunteers, members of the public, elected officials and appointed boards and commissions.

C. Supervisory Responsibilities

1. Each supervisor shall be responsible for preventing prohibited activities as defined above.
 - a. Monitoring the work environment on a daily basis for signs that harassment may be occurring;
 - b. Training and counseling all employees on what constitutes harassment and sexual harassment, on the types of behavior prohibited the Utility's policy and procedures for reporting and resolving complaints of harassment.
 - c. Stopping any observation that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
 - d. Taking immediate action to prevent retaliation towards the complaining party or witnesses, and to eliminate the hostile work environment where there has been a complaint of harassment, pending investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
2. Each supervisor has the responsibility to assist any employee of the Utility who comes to that supervisor with a complaint of harassment in documenting and filing a complaint with the internal investigations authority as designated by the Utility.
3. Failing to carry out these responsibilities will be considered in any evaluation or promotional decisions and may be grounds for discipline.

D. Employee Responsibilities

1. Each employee of the Utility is responsible for assisting in the prevention of harassment through the following acts:
 - a. Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
 - b. Reporting acts of harassment to a supervisor; and
 - c. Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.

2. Failure of any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decisions and may be grounds for discipline.

E. Complaint Procedures

1. Any employee encountering harassment is encouraged but not required to inform the person that his or her actions are unwelcome and offensive. This initial contact can be either verbal or in writing. The employee is to document all incidents of harassment in order to provide the fullest basis for investigation.
2. Any employee who has unsuccessfully attempted to terminate the harassment by means of Section 1 and who believes that he or she is being harassed shall report the incident(s) as soon as possible to the Superintendent so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with a supervisor or President of the Board of Water Commissioners.
 - a. The Superintendent or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s) and the date(s) on which it occurred.
3. An employee should utilize the Utility's internal reporting procedure first. However, if after utilizing this procedure the complainant does feel the complaint has not been adequately addressed, the employee may file a complaint with either or both of the following:
 - a. State of Wisconsin Equal Rights Agency
201 East Washington Avenue
Madison, WI 53703
Phone: (608) 266-6860
 - b. Equal Employment Opportunity Commission
210 Martin Luther King Boulevard
Madison, WI 53703
Phone: (608) 266-4910

If the employee exercises the reporting options of (a) or (b) from above, they are encouraged to file a copy of the complaint with the Superintendent within 24 hours of filing of the complaint.

4. An investigation will occur for any complaint alleging harassment or discrimination.
 - a. The Superintendent will immediately notify the City Attorney if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape.

- b. The investigation shall include a determination as to whether other employees are being harassed by the person, and whether other Utility employees participated in or encouraged the harassment.
 - c. A file of harassment and discrimination complaints shall be maintained in a secure location.
- 5. There shall be no retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint.
 - 6. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
 - 7. Complainants or employees accused of harassment may contact the Board of Water Commissioners if they disagree with the investigation or disposition of a harassment claim.

F. Retaliation

- 1. Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by this Utility policy and by federal statutes.
- 2. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.
- 3. Monitoring to ensure that retaliation does not occur is the responsibility of the Superintendent and the supervisors.

IV. DEFINITIONS

- A. **Verbal Harassment:** Sexual innuendoes, degrading or suggestive comments, repeated pressure for dates, jokes of a sexual nature, unwelcome sexual flirtations, degrading words used to describe an individual, obscene and/or graphic descriptions of an individual's body or threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to a suggested sexual relationship.
- B. **Non-Verbal:** Sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, e-mail, the internet or other such sources as a means to express or obtain sexual material, comments etc., printed or written materials including offensive cartoons,