



Administrative Regulations

Number AR8-10
Issue 2

Subject: Policy Regarding Sexual Harassment.

I. PURPOSE

The purpose of this regulation is to set forth City policy which defines and prohibits sexual harassment. In addition, it provides the steps necessary to take corrective action.

II. SCOPE

This regulation is applicable to all City departments and offices directly responsible to the City Manager. However, elected offices and semi-autonomous departments are urged to comply with the intent of this regulation which is relevant to all City operations.

III. DEFINITION

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such behavior includes, but is not limited to, the following: sexually offensive comments, offers, slurs, posters, cartoons, or drawings; physical contact such as touching, pinching, or brushing against another's body; or demands for sexual favors.

The following are three criteria which shall be utilized as guidelines for determining whether or not certain conduct constitutes unlawful sexual harassment.

- Submission to the conduct is made either as an explicit or implicit condition of employment; or,
- Submission to or rejection of such conduct is the basis for employment decisions affecting the individual, such as, continued employment or decisions affecting pay, benefits, and/or advancement opportunities; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Retaliation is also illegal and shall not be tolerated. Retaliation occurs when adverse action is taken against the complaining party because of the sexual harassment charge.

IV POLICY

It is the policy of the City of Long Beach to provide a work environment free from all forms of illegal discrimination. In keeping with this policy, sexual harassment, which constitutes sex discrimination (under Section 703 of Title VII), will neither be condoned nor tolerated. All complaints will be promptly investigated and appropriate action taken. Employees who make complaints will not be harassed for filing a complaint.

V. PROCEDURE

Any employee who experiences sexual harassment should make it clear to the offending party that such behavior is offensive, unwelcomed, and contrary to City policy. Further, an employee should immediately report such conduct to his or her supervisor, a higher level supervisor, or a management person,

whichever is appropriate. The employee always has the right to report such conduct to the Affirmative Action Officer. If such conduct is reported to the Department, they will contact the Affirmative Action Office. Based on the severity of the incident(s), it will also be reported to the City Manager, or in the case of elected or independent offices, to other higher authority.

Any employee who believes she or he is a victim of sexual harassment by a co-worker, supervisor, City agent, or the public should promptly report the facts of the incident to an appropriate supervisor. To the extent possible the information will be held in confidence. No employee should fear reprisal or retaliation because of reporting to the proper authorities an allegation of sexual harassment.

Supervisors shall immediately report claims of sexual harassment to an appropriate management person. All claims of sexual harassment shall be immediately investigated, and prompt corrective action will be taken when warranted. Such action may include discipline up to and including termination of the offending employee or employees.

VI. NATURE OF INVESTIGATION

1. Investigation at the Department Level

To the extent possible, charges of sexual harassment should be handled at the department level using the same procedures as other disciplinary issues. However, all sexual harassment charges and subsequent investigations shall be immediately brought to the attention of the department head by the appropriate supervisor or manager. The Personnel Department shall be contacted to provide necessary assistance.

2. Investigations Conducted Outside the Department

In some cases, a department head may wish to have a sexual harassment charge investigated by an impartial party from outside the department. In these instances, the Director of Personnel should be contacted to determine how such investigations can be conducted. The Director of Personnel shall then recommend to the City Manager the appropriate form of investigation.

Since investigations of sexual harassment are often delicate, the Personnel Department will be available for advice and assistance at any time during the investigation.

VII. PROMULGATION

All department heads are directed to make the contents of this administrative regulation known to all employees in their departments; and to provide the same information to all new employees in the future.