

CITY OF PLANO POLICIES AND PROCEDURES

219.000

Department Name: Human Resources Manual
Procedure: Harassment-Free Workplace
(Previously Titled Sexual Harassment)

Effective Date: 11/01/96

Revision Date(s): 01/04/99, 08/01/05, 04/01/06, 04/01/07, 04/01/09

I. Purpose

The purpose of this policy is to establish a harassment-free workplace and set forth the procedures by which the City will address and process harassment complaints.

II. Definitions

Harassment - Objectionable conduct, comment or display that demeans, belittles, or causes personal humiliation based on a person's race, national or ethnic origin, color, religion, age, sex or disability status. This includes physical contact (e.g., touching, pushing), comments (e.g., slurs, jokes, name-calling), or displays (e.g., posters, cartoons).

Behavior or conduct can rise to the level of harassment if it results in one of the following:

- has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- has the purpose or effect of interfering with an employee's work performance; or
- adversely affects an employee's employment opportunities.

III. Policies and Procedures

The City of Plano prohibits all forms of harassment and maintains a policy that all employees shall be treated with respect. Allegations of any type of harassment identified below will be taken seriously and, if substantiated, will be addressed through appropriate disciplinary actions.

A. Workplace Duties and Responsibilities

It is the responsibility of each employee of the City of Plano to engage in and promote workplace behaviors that create and maintain an environment of respect.

1. Employee's Responsibilities

- a. Any employee who believes that he or she has been harassed based on race, national or ethnic origin, color, religious beliefs, age, sex or disability should file a formal or informal complaint as discussed under Section B below.
- b. Any employee who observes behavior that appears to violate another employee's race, national or ethnic origin, color, religious beliefs, age, sex or disability should immediately notify his/her supervisor.

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c. All employees have a responsibility to cooperate in the investigation of a harassment complaint.

2. Employer's Duty to Correct

All supervisors, managers, Department Heads and administrators are expected to prevent and correct harassment in the workplace. Any employee with management responsibility who becomes aware of harassment in their work area must take corrective steps whether or not a formal complaint has been filed. For areas not within their immediate workplace, managers must notify their next level supervisor. Managers who fail to properly address harassment in their workplace may be disciplined up to and including termination of employment. This policy is not intended nor should it be applied to limit a manager's ability to manage the workplace.

It will be the ongoing responsibility of the Department Head or his/her representative to monitor work areas for inappropriate action, comments or display and take necessary action.

B. Complaint Review Procedures

Complaints of harassment may be addressed in the following manner:

1. Informal Complaint Procedure

If an employee feels that he/she is being harassed based on the areas noted above, he/she is encouraged to resolve the matter as soon as possible by addressing the issue(s) with the offending party. If unable to resolve the issue(s) directly with the offending party, the harassed employee shall report the matter to his/her supervisor or manager. If still unresolved, the employee may speak with his/her Department Head.

The informal procedure is optional.

2. Formal Complaint Procedure

If the informal process is not successful or is not pursued, the harassed employee may file a formal complaint with the Human Resources Department by completing the Harassment-Free Workplace Complaint Form, Appendix A of this policy.

Civil Service employees are required to follow the complaint process as set forth in their departmental Standard Operating Procedures. Investigations will be conducted by the complaining employee's

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department in accordance with their departmental policies and procedures.

The Human Resources Department is responsible for processing harassment complaints. The procedures for handling complaints are as follows:

a. Processing/Investigation

Formal complaints are required to be in writing and specific as to the facts and date(s) to allow effective and thorough investigation by the City. The completed complaint form (Harassment-Free Workplace Complaint Form, Appendix A) must be returned to Human Resources for processing. Each formal harassment complaint will be investigated. Upon request by the complaining party, a representative of the same sex may be assigned to follow-up with the complainant in cases involving allegations of sexual harassment. At the discretion of the investigator, interviews may be recorded in written, audio and/or video format.

b. Response to Allegation(s)

The alleged offending party may provide a written response to the allegation(s) within ten (10) business days of receiving the complaint.

c. Administrative Leave

After consulting with Human Resources and the Legal Department, the Department Head may place the alleged offending party and/or complaining party on administrative leave with pay pending the completion of the investigation.

d. Report Issuance

Within ten (10) business days of concluding the investigation, Human Resources will provide the Department Head a report as to the validity of the complaint.

e. Complaint Withdrawal

Withdrawal of a complaint will not necessarily end an investigation. The City may pursue an investigation with or without a pending complaint.

C. Division Manager/Department Head

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Division Managers and/or Department Heads will take the following actions:

1. Disciplinary Action Decisions

Within ten (10) business days of receiving the Human Resources Department's report of harassment, the Division Manager or Department Head¹ will take appropriate disciplinary action. Human Resources may extend the ten (10) day deadline if necessary.

2. Written Notifications

The complaining party and the alleged offending party will be provided a written notification of the Division Manager/Department Head's decision.

D. False or Frivolous Complaints

Complaints that are found to be fabricated, frivolous or made in bad faith will not be tolerated and subsequent disciplinary action up to and including termination may result.

E. Retaliation

Every employee has the right to report, in good faith, incidents of discrimination/harassment or inappropriate behavior without fear of retaliation.

Retaliation by any person against anyone involved in the informal or formal complaint process will not be tolerated and may result in discipline, up to and including dismissal.

IV. Appendices

A. Harassment-Free Workplace Complaint Form

¹ If the Division Manager or Department Head is the alleged offending party, these actions will be taken by the appropriate Deputy City Manager/City Manager. For Department Heads who report directly to the City Council, the City Council shall determine the appropriate course of action.

HARASSMENT-FREE WORKPLACE COMPLAINT FORM

The information you provide is essential to the City's investigation. Please be as specific and thorough as you can in your statements.

TYPE(S) OF HARASSMENT:

- RACE NATIONAL/ ETHNIC ORIGIN COLOR
 RELIGION AGE SEX DISABILITY
-

1. a. **Where** did the incident occur?
b. On what **date(s)** did it occur?
2. As accurately and specifically as possible, **describe the circumstances (including actions, comments and/or display of behavior)** which is (are) the basis for this complaint and identify the person(s) involved.

3. Was this the first such incident? Yes No
If "No," where did the previous incident(s) occur and who was involved?

4. Were there any witnesses? Yes No
If "Yes", who?

HARASSMENT-FREE WORKPLACE COMPLAINT FORM, PG.2

5. Have you mentioned your concern/complaint to others? Yes No
If so, to whom and when?

6. Do(es) the person(s) you are complaining about know you are filing this formal complaint? Yes No
If "Yes," how does he/she know?

7. Did your supervisor or other member of management know about your concern/complaint prior to your filing of this complaint?
 Yes No If so, who and when?

8. What is your desired outcome?

Please attach any other information that you feel might be pertinent to our investigation.

To the best of my knowledge, the information provided above is true and correct.

Name _____ Date _____

Received by _____ Date _____

ALLEGED OFFENDING PARTY'S COMMENTS (Please attach additional sheets if needed):

Alleged Offending Party's Signature _____ Date _____