



Harassment Free Workplace Policy

Policy No. A-03¹

The Scope of this policy includes the following individuals:²

- ✓ Employees (including Appointed Officials, Probationary Employees, Full-Time At-Will Employees, Part-Time Employees, Temporary Employees, Civil Service Employees, Teamsters Employees, HPOA, HPSA, and IAFF Employees)
- ✓ Full-Time Elected Officials
- ✓ Board and Commission Members
- ✓ Volunteers

I. PURPOSE

To set forth the City's commitment to prohibiting harassment in the workplace, define harassment, and describe the procedure for reporting, investigating and resolving internal complaints of harassment.

II. POLICY APPLICATION

A. Harassment Defined

1. Sexual Harassment

While it is not possible to list all circumstances that may constitute sexual harassment, the following are some examples of conduct which may constitute sexual harassment:

- physical assault, threats of physical abuse, or impeding or blocking movement;
- sexual advances, flirtations, invitations, or propositions – whether they involve physical touching or not;

¹ This policy is not to be construed as a contract or an implied contract concerning any employment-related decision or term or condition of employment. The City reserves the right to revise, delete or add to any and all policies, procedures, work rules or benefits stated in this policy at its sole discretion. See Introduction, Administrative Policy No. A-01.

² The relevant definitions for the individuals identified in the Scope of this policy are defined in Introduction, Administrative Policy No. A-01.

- sexual epithets, derogatory comments, teasing, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- displaying sexually suggestive objects, pictures, posters, cartoons or using electronic media, including City email, instant messaging, telephones, voicemail systems, or otherwise circulating or displaying sexually suggestive content in the workplace;
- leering, whistling, touching, patting, pinching or brushing against another person's body; sexual gestures, suggestive or insulting comments; or
- inquiries into one's sexuality, gender, sexual experiences or discussion of one's own or others sexual activities.

2. Other Prohibited Harassment

In addition to sexual harassment, the City also strictly prohibits harassment based on race, color, religion, sex, pregnancy, age, national origin or ancestry, disability, veteran status, sexual orientation, gender identity or expression, status as HIV positive, genetic information, or any other consideration protected by federal, state or local laws. Conduct which may constitute such harassment includes, but is not limited to:

- epithets, slurs, quips, or negative stereotyping that relate to any protected category;
- threatening, intimidating or hostile acts that relate to any protected category;
- teasing, joking, pranks or other forms of "humor" that are demeaning or hostile with regard to any protected category; or
- written or graphic material (including but not limited to, graffiti, drawings, pictures, posters, or other objects) that denigrates or shows hostility or aversion toward an individual or group because of actual or perceived membership in any protected category, and that is placed on walls, bulletin boards or elsewhere on City property, or circulated via City email, instant messaging, telephones, voicemail systems, or is otherwise circulated or displayed in the workplace.

B. Prohibited Harassment and Discrimination

The City strictly prohibits sexual harassment and harassment because of race, color, religion, sex, pregnancy, age, national origin or ancestry, disability, veteran status, sexual orientation, gender identity or expression, status as HIV positive, genetic information, or any other consideration protected by federal, state or local laws. This policy also prohibits harassment by visitors, citizens, vendors or other service providers at City facilities. Prohibited harassment will not be tolerated. The City is committed to

taking all reasonable steps to prevent such harassment from occurring. By providing a work environment of respect, trust, collaboration, and cooperation, the City of Henderson strives to create a workplace where all employees are treated with dignity and respect.

The City also prohibits discrimination based on race, color, religion, sex, pregnancy, age, national origin or ancestry, disability, veteran status, sexual orientation, gender identity or expression, status as HIV positive, genetic information, or any other consideration protected by federal, state or local laws. For further information, see Equal Employment Opportunity Policy, Administrative Policy No. A-02.

Employees are also prohibited from using their personal social media accounts to violate the City's policies prohibiting discrimination, harassment, retaliation, and workplace violence. Such conduct will not be tolerated and may subject employees to disciplinary action up to and including termination.

C. Prohibited Retaliation

The City prohibits retaliation against any employee for opposing, reporting or threatening to report prohibited discrimination or harassment, or for participating in any manner in an investigation, proceeding or hearing regarding prohibited discrimination or harassment. The City will not retaliate against an employee who complains in good faith of prohibited discrimination or harassment and will not permit such retaliation by its employees.

D. Harassment and Retaliation Complaint & Investigation Procedure

Please see Complaint Procedures Policy, Administrative Policy No. A-08.

Any employee who maliciously files a false complaint of discrimination, harassment or retaliation will be subject to disciplinary action up to and including termination.

E. Management's Responsibility

In furtherance of this policy and the City's prohibition on discrimination, harassment and retaliation, all supervisory employees who witness such conduct or otherwise become aware of any allegations or complaints of such activity must report it to their assigned Human Resources Business Partner or the Director of Human Resources and their supervisor immediately. A supervisory employee's failure to immediately (i.e., without undue delay) report such activity, complaints or allegations will result in discipline up to and including termination.

III. APPROVAL

APPROVED BY:

Richard Derrick, City Manager/CEO

REVIEWED BY:

Nicholas Vaskov, City Attorney

Jennifer Fennema, Director of Human Resources

Original signed document located in the Human Resources Department.

EFFECTIVE DATE: 2/16/2016

REVISION DATE: 8/29/2017; 4/23/2019; 1/16/2020

Relevant Form:

[Discrimination and/or Harassment Complaint Form](#)