

Staff Report

for the Regular Meeting of the Board of Directors, September 14, 2016

TO: Board of Directors

FROM: Jana Kolakowski, Human Resources Manager

DATE: September 7, 2016

SUBJECT: Policy - Preventing Harassment, Discrimination and Retaliation

HUMAN RESOURCES

RECOMMENDATION:

Adopt Resolution No. 2016-33 (Establish Administrative Policy – Preventing Harassment Discrimination and Retaliation), as recommended by the Administrative Practices Committee.

BACKGROUND:

Staff has reviewed and updated “Board Policy 2215 – Preventing Harassment Discrimination and Retaliation” with support of outside counsel and agreement by AFSCME. The Administrative Practices Committee approved the Policy to be forwarded to the Board’s Consent Agenda.

BUDGETARY IMPACT:

None.

Attachments (1):

- Resolution No. 2016-33

**ESTABLISHING POLICY FOR ADMINISTRATION –
PREVENTING HARASSMENT, DISCRIMINATION AND RETALIATION**

WHEREAS, the Nevada Irrigation District (the “District”) intends to establish, and revise from time to time, administrative policies to guide the operations and management of the District; and

WHEREAS, the District’s insurance carrier provided sample guidelines for personnel and administrative policies for consideration by the District; and

WHEREAS, over the past few years, the District has adopted several administrative policies using the sample guidelines, in an effort to assemble a comprehensive policy manual; and

WHEREAS, certain District policies are outdated, and should be revised and formatted in the same manner as the sample guidelines; and

WHEREAS, such draft policies have been reviewed by the District’s Legal Counsel and found to be in accordance with law.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Nevada Irrigation District hereby adopts the following policy as attached, and such policy shall replace and supersede Board and Management Policy No. 5-42 and 5-43 of the Policy Manual, and shall be incorporated herein:

#2215 Preventing Harassment, Discrimination and Retaliation

BE IT FURTHER RESOLVED, that the attached policy shall be incorporated into the District Policy Manual, and the Board Secretary is hereby authorized to assign and revise policy numbers, and format and reformat the attached, as needed for an organized, comprehensive policy manual.

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PASSED AND ADOPTED by the Board of Directors of the Nevada Irrigation District at a regular meeting held on the 14th day of September, 2016, by the following vote:

AYES:	Directors:
NOES:	Directors:
ABSENT:	Directors:
ABSTAINS:	Directors:

President of the Board of Directors

Attest:

Secretary to the Board of Directors

Nevada Irrigation District

POLICY MANUAL

POLICY TITLE: Preventing Harassment, Discrimination and Retaliation

POLICY NUMBER: 2215

2215.1 Purpose. To describe the Nevada Irrigation District's policy to prevent harassment, discrimination and retaliation in the workplace and to provide a procedure by which individuals can report potential violations of this policy.

2215.2 Policy. The District does not tolerate and prohibits discrimination, harassment or retaliation of or against our job applicants, contractors, interns, volunteers, or employees by another employee, supervisor, vendor, contractor, customer or any third party on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition as defined by state law (cancer or genetic characteristic), marital status, age, sex, gender, sexual orientation, gender identity, gender expression, military service and veteran status, pregnancy, childbirth and related medical condition, or any other basis protected by federal, state or local laws and ordinances ("protected characteristics"). The District is committed to a workplace free of discrimination, harassment and retaliation based on these protected characteristics. Discrimination, harassment and retaliation are also prohibited by law. Individuals who violate this policy are subject to disciplinary action, up to and including termination of employment.

2215.3 Definitions.

2215.3.1 Discrimination Defined. Discrimination under this policy means treating differently or denying or granting a benefit an individual of the individual's protected characteristic.

2215.3.2 Harassment Defined. Harassment is defined in this policy as unwelcome verbal, visual or physical conduct creating an intimidating, offensive or hostile work environment that interferes with work performance. Harassing conduct includes the following types of conduct which denigrates or shows hostility or aversion towards an individual because of any protected characteristic, including:

- a. Verbal conduct such as epithets, derogatory jokes or comments, slurs or offensive advances, teasing or comments;
- b. Visual conduct such as derogatory posters, photography, cartoons, drawings, gestures, letters, notes, or other visual electronic communications; and
- c. Physical conduct such as physically threatening another, assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis.

- 2215.3.3** Sexual Harassment Defined. Sexual harassment can include all of the types of conduct described in the definition of harassment, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal or physical conduct of a sexual nature. Examples of conduct that violates this policy include: unwelcome sexual advances, flirtations or advances; leering; whistling; pinching; assault; requests for sexual favors or demands in exchange for favorable treatment; obscene or vulgar gestures, posters or comments; sexual jokes or comments about a person's body, sexual prowess or sexual deficiencies; propositions or suggestive or insulting comments of a sexual nature; conversations about one's own or someone else's sex life; conduct or comments consistently targeted at only one gender, even if the content is not sexual; and teasing or other conduct directed toward a person because of the person's gender.
- 2215.3.4** Retaliation Defined. Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in reporting and investigation process described below. "Adverse conduct" includes but is not limited to: shunning and avoiding an individual who reports harassment, discrimination or retaliation; express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination or retaliation; and denying employment benefits because an applicant or employee reported harassment, discrimination or retaliation or participated in the reporting and investigation process described below.
- 2215.4** Reporting Procedures. The following steps have been put into place to ensure the work environment at the District is respectful, professional and free of discrimination, harassment and discrimination. If an employee believes someone has violated this policy, the employee should immediately report the matter to his/her Department Manager or to the Human Resources Manager. Every supervisor who learns of any employee's concern about conduct in violation of this policy, whether in such concern is discovered formally or informally, must immediately report the issues raised to a Department Manager or the Human Resources Manager.
- 2215.5** Investigation Procedures. Upon receiving a complaint, the District will promptly conduct a fair and thorough investigation into the facts and circumstances of any claim of a violation of this policy.
- 2215.5.1** The HR Manager, or designee, will determine the appropriate individual to initiate and investigate a complaint.
- 2215.5.2** To the extent possible, the District will endeavor to keep the reporting employee's concerns confidential. However, complete confidentiality may not be possible in all circumstances.
- 2215.5.3** During the investigation, the District will generally interview the complainant and the accused, conduct further interviews as necessary and review any relevant documents or other information.
- 2215.5.4** Upon completion of the investigation, the District shall determine whether this policy has been violated based upon its reasonable evaluation of the information gathered during the investigation. The District will inform the complainant and the accused of the results of the investigation.

2215.5.5 The District will take corrective measures against any person it finds to have engaged in conduct in violation of this policy, if the District determines such measures are necessary. These measures may include, but are not limited to, counseling, suspension, or termination. Anyone, regardless of position or title, whom the District determines has engaged in conduct that violates this policy will be subject to discipline, up to and including termination.

2215.6 Dissemination of Policy and Training.

2215.6.1 All employees shall be provided a copy of this Policy upon employment. Also, this Policy shall be readily available to all employees and members of the general public utilizing the District's facilities and services.

2215.6.2 The Board of Directors, Department Managers and Supervisors shall attend Harassment Prevention Training once every two years.

2215.6.3 All employees will receive Harassment Prevention training as part of Safety Meeting topics.

Adopted: (date) via Resolution No. _____
Revised:

**Acknowledgement & Receipt of Nevada Irrigation District's
Harassment, Discrimination and Retaliation Prevention Policy (Policy No. 2215)**

I acknowledge that I have received, read and understand the Nevada Irrigation District's Harassment, Discrimination and Retaliation Prevention Policy. I agree to abide by and be bound by the rules, provisions and standards set forth in the District's policy. I also acknowledge I have received the California Department of Fair Employment & Housing's brochure, Sexual harassment, the Facts About Sexual Harassment (DFEH-185 brochure).

Date

Employee Signature

Print Name

DRAFT