



CITY OF PETERSBURG – OFFICE OF THE CITY MANAGER
Administrative Regulation Number 6.1 – Page 1 of 5
TITLE: ANTI-HARASSMENT - EFFECTIVE DATE: June 1, 2019
Supersedes: AR#PP-004-88 (Sexual Harassment) - Dated 2/1/1989

PURPOSE: The purpose of the Administrative Regulation is to set forth the City's policy prohibiting discriminatory practices, including harassment in the workplace and in instances of employees representing the City outside of the immediate workplace. The City's expectation is that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment.

APPLIES TO: This Administrative Regulation (AR) applies to all employees who work for the City of Petersburg.

I. POLICY

The City of Petersburg is dedicated to a stringent policy against harassment and is committed to providing a work environment free from unlawful harassment. The City has zero-tolerance for any acts of harassment committed by or against an employee based on race, color, religion, gender, sexual orientation, age, disability, marital status, citizenship, military status, genetic information or any other characteristic protected by law. All employees of the City of Petersburg are protected from unlawful harassment while engaged in the work of the City.

II. PROCEDURE

A. Unacceptable Behaviors or Conduct

Unlawful harassment is a serious offense. Workplace harassment occurs whenever unwelcome conduct on the basis of gender or other legally protected status affects an employee's job. Any employee who engages in such conduct or encourages such behavior by others shall be subject to disciplinary action, including possible dismissal from the City service. By way of illustration, but not limitation, the following shall constitute inappropriate workplace behavior:

1. Disparaging remarks (written or verbal) of a discriminating nature. Includes slurs targeted towards a protected group;
2. Jokes targeting a protected group, as well as jokes or comments of a sexual nature;
3. Posters, flyers, personal attire, etc., designed to promote discrimination or harassment of a protected group;
4. Disparate treatment of individuals in the protected categories involving recruitment, promotional opportunities, and application of policies, procedures, and regulations;
5. Acts of violence, threats of violence, bullying, or other harmful or offensive behavior intended to promote a hostile work environment because of an individual's membership in a protected group.

B. Sexual Harassment

Includes 1) any unwelcome sexual conduct (sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature) that is either made as a condition of employment; or 2) submission to or rejection of the conduct by an individual is used as a basis for employment decisions affecting such individual; or 3) the conduct has the purpose of unreasonably interfering with



CITY OF PETERSBURG – OFFICE OF THE CITY MANAGER

Administrative Regulation Number 6.1 – Page 2 of 5

TITLE: ANTI-HARASSMENT - EFFECTIVE DATE: June 1, 2019

Supersedes: AR#PP-004-88 (Sexual Harassment) - Dated 2/1/1989

an individual's work performance or creating an intimidating, hostile, or offensive working environment.

There are two (2) basic types of unlawful sexual harassment. The first type involves harassment that results in a tangible employment action (negative or positive). This kind of sexual harassment is often referred to as "quid pro quo" (this for that) and is committed only by someone who can effectively make formal employment actions that will affect the victim. The second kind of unlawful sexual harassment is referred to as hostile work environment and may be committed by anyone whom the employee interacts with on the job.

Sexual harassment can take many forms, including but not limited to:

1. Unwanted or unwelcome physical contact or conduct of any kind, including, patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact;
2. Verbal abuse of a sexual nature, including sexual flirtations, advances, propositions, sexual innuendoes, sexually suggestive, insulting or graphic comments, noises, or sounds;
3. Sexually explicit, suggestive or offensive jokes;
4. Demeaning, insulting, intimidating, or sexually suggestive comments about an individual's dress, body, appearance, or personal life;
5. The display or distribution in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects or pictures, including nude photographs, drawings, or magazine pictures;
6. Demeaning, insulting, intimidating, or sexually suggestive written, recorded or electronically transmitted messages; and
7. The display or distribution in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects or pictures, including nude photographs, drawings or magazine pictures; and demeaning, insulting, intimidating, or sexually suggestive written, recorded or electronically transmitted messages.

C. Reporting (Complaint) Procedures

Employees are encouraged to follow these City procedures to resolve any complaints of unlawful harassment:

1. Whenever possible, individuals who experience unlawful harassment should make it clear to the offending person that such behavior is unacceptable.
2. Upon reoccurrence or repetition of offensive behaviors, the employee should report the incidents to their immediate supervisor, or a manager within the agency's command, or to the Department of Human Resources.
3. Employees may report a violation or file a complaint in person, by telephone, or in writing.
4. If a supervisor or manager becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an employee coming forward, the supervisor or manager should immediately report it to HR.



CITY OF PETERSBURG – OFFICE OF THE CITY MANAGER
Administrative Regulation Number 6.1 – Page 3 of 5
TITLE: ANTI-HARASSMENT - EFFECTIVE DATE: June 1, 2019
Supersedes: AR#PP-004-88 (Sexual Harassment) - Dated 2/1/1989

5. Upon receiving the complaint, or being advised by a supervisor or manager that violation of this policy may be occurring, HR will review the complaint and initiate an investigation if warranted.

Unlawful harassment is a work-related problem. In addition to the avenues of redress available through the U.S. Equal Employment Opportunity Commission, effective relief may also be available within City government through the Department of Human Resources; or a classified City employee may participate in the City's grievance process.

D. Investigation Procedures

Complaints initiated by an employee on matters believed to be in violation of this policy will be investigated.

1. Complaints will be investigated promptly. If the complaint is brought anonymously, the City will investigate but may be limited in its ability to investigate the matter fully.
2. An employee accused of violating this policy will be fully informed of the allegations and will be able to offer an explanation or defense to the charges prior to any report being prepared. Absolute confidentiality cannot be legally guaranteed; however, the City will make every effort to preserve the confidentiality of all information. All employees are charged with maintaining confidentiality.
3. Employees who file a complaint or participate in an investigation shall not be subject to any form of retaliation because of such complaint. If anyone believes he/she is suffering from retaliation, a report should be made to their immediate supervisor or manager or the Department of Human Resources. Those found to be acting in a retaliatory manner will be disciplined for such conduct.
4. Appropriate discipline will be taken against those who violate this policy. Such discipline will be consistent with the City's disciplinary policies and may include such sanctions as dismissal, demotion, transfer, suspension, and written reprimand. Interim actions may be taken when there is reasonable belief that the employees involved in the complaint may be adversely affected by the status quo. The appropriate action will depend on the following factors:
 - a. The severity, frequency and pervasiveness of the conduct;
 - b. Prior complaints made by the complainant;
 - c. Prior complaints made against the respondent;
 - d. The quality of the evidence (firsthand knowledge, credible corroboration etc.).
5. If it is determined that harassment or discrimination in violation of this City policy has occurred, the Director of Human Resources will work with the Agency Director to determine the appropriate disciplinary action to be taken. If the Agency Director is responsible for the



CITY OF PETERSBURG – OFFICE OF THE CITY MANAGER
Administrative Regulation Number 6.1 – Page 4 of 5
TITLE: ANTI-HARASSMENT - EFFECTIVE DATE: June 1, 2019
Supersedes: AR#PP-004-88 (Sexual Harassment) - Dated 2/1/1989

harassment or discrimination, the Director of Human Resources will work with the City Manager to determine the appropriate disciplinary action to be taken.

6. If the investigation is inconclusive or it is determined that there has been no harassment or discrimination in violation of this Policy, but some potentially problematic conduct is revealed, preventative action may be taken.
7. After the investigation is concluded, HR will notify the complainant and the respondent, of the findings of the investigation and the actions taken respectively for each party.

E. Non-Retaliation

This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Any employee bringing a complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment, discriminated against or discharged solely on the basis of the complaint.

III. DEFINITION

Harassment is verbal or physical conduct that denigrates or shows hostility toward an individual or conduct that creates an intimidating, hostile or offensive working environment for an individual because of his/her sex, race, color, religion, age, national origin, disability, genetic information, sexual orientation or military status.

IV. RESPONSIBILITIES

The City and its agents have a duty to promptly investigate allegations of unlawful harassment and, when appropriate, take corrective actions.

A. Supervisors/Managers

1. Managers or supervisors who allow unlawful harassment to continue or who fail to report or take appropriate corrective action shall be considered a party to the act or behavior, although they may not behave in such a manner. Such managers and supervisors shall be subject to corrective action. Depending upon the circumstances, such corrective measures may result in demotion from a supervisory position or dismissal from City service.
2. In an effort to avoid and eliminate harassment, the management of each agency shall take affirmative steps to sensitize all its employees to the nature of any form of unlawful harassment and express strong disapproval of such conduct. These efforts are subject to the approval of the Department of Human Resources. These steps shall include, but are not limited to:
 - a. The communication and distribution of this official City policy to all City employees.
 - b. Monitoring the workplace for potential incidents of harassment or discrimination.



CITY OF PETERSBURG – OFFICE OF THE CITY MANAGER
Administrative Regulation Number 6.1 – Page 5 of 5
TITLE: ANTI-HARASSMENT - EFFECTIVE DATE: June 1, 2019
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B. Department of Human Resources

1. The Department of Human Resources shall be responsible for updating and providing oversight to Agencies in the implementation of this policy.
2. The development and implementation of on-going training and education programs to ensure that all managers, supervisors, and employees clearly understand that unlawful harassment in the workplace will not be tolerated.
3. The Department of Human Resources will be available to provide resources to aid in resolution including but not limited to: mediation and conflict resolution.

V. AUTHORITY

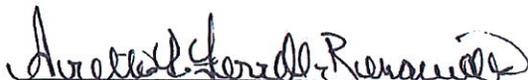
Title VII of the Civil Rights Act of 1964, as amended
Age Discrimination Employment Act, as amended
Americans with Disabilities Act, as amended
Genetic Information Nondiscrimination Act, as amended
Uniformed Services Employment and Reemployment Rights Act
Any other applicable federal, state or local laws

In situations where this policy is at variance with federal, state or local laws, such laws shall govern.

VI. REGULATION UPDATE

The Office of the City Manager and the Department of Human Resources shall be responsible for modifications to this policy.

APPROVED:


Aretha R. Ferrell-Benavides, City Manager

6/2/2019
Date