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# **SAN LORENZO VALLEY WATER DISTRICT**

## **DISCRIMINATION, HARASSMENT, AND RETALIATION PREVENTION POLICY**

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**ADOPTED**

**November 5, 2020**

**RESOLUTION NO. 7 (20-21)**

## POLICY REVISION HISTORY

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## **Policy: Discrimination, Harassment, and Retaliation Prevention Policy**

### **POLICY**

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San Lorenzo Valley Water District is an equal opportunity employer. San Lorenzo Valley Water District is committed to providing a professional work environment free from discrimination, harassment, and retaliation and disrespectful or other unprofessional conduct based on a protected category covered by this policy:

- Race
- Color
- Sex/gender (including pregnancy, childbirth, breastfeeding or related medical conditions), sex stereotype, gender identity/gender expression/transgender (including whether or not you are transitioning or have transitioned) and sexual orientation
- Religion or religious creed (including religious dress and grooming practices)
- National origin
- Ancestry
- Physical or mental disability
- Medical condition (including cancer)
- Genetic information/characteristics
- Marital status/registered domestic partner status
- Age (40 years and over)
- Veteran and/or military status
- Political affiliation
- Any other status protected by state or federal law.

San Lorenzo Valley Water District prohibits discrimination, harassment, disrespectful or unprofessional conduct whether based on those protected categories/characteristics, or based on a perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics.

In addition, San Lorenzo Valley Water District prohibits retaliation against a person who raises complaints of discrimination or harassment or who participate in workplace investigations.

**All such conduct violates District Policy.**

## **Scope of Protection**

This policy applies to all persons involved in the operation of the San Lorenzo Valley Water District including any and all employees, supervisors, managers, co-workers, officers and Board or Committee Members of the District. The Policy also applies to vendors, customers, independent contractors, volunteers, job applicants and other persons with whom you come into contact while working. In addition, this policy extends to conduct with a connection to an employee's work, even when the conduct takes place away from San Lorenzo Valley Water District's premises, such as field work, work on a customer's property, business-related meetings and business-related social functions.

All employees are expected to assume responsibility for maintaining a work environment that is free from discrimination, harassment and retaliation. Employees are encouraged to promptly report conduct that they believe violates this policy so that the District has an opportunity to address and resolve any concerns. Managers and supervisors are required to promptly report conduct that they believe violates this policy. The District is committed to responding to alleged violations of this policy in a timely and fair manner and to taking appropriate action aimed at ending the prohibited conduct.

## **Anti-Discrimination**

The District is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in District operations. The District prohibits unlawful discrimination against any job applicant, employee, unpaid intern or volunteer by any Board member or employee of the District, including managers, supervisors and coworkers.

Discrimination may include, but is not necessarily limited to: hostile or demeaning behavior toward persons because of their protected category/characteristic; allowing the protected category to be a factor in hiring, promotion, compensation or other employment related decisions unless otherwise permitted by applicable law,<sup>1</sup> and providing unwarranted assistance or withholding work-related assistance, cooperation, and/or information because of their protected category/characteristic.

Pay discrimination between employees of the opposite sex or between employees of another race or ethnicity performing substantially similar work, as defined by the California Fair Pay Act and federal law, is prohibited. Pay differentials may be valid in certain situations defined by law. Employees will not be retaliated against for inquiring about or discussing wages. However, the District is not obligated to disclose the wages of other employees.

San Lorenzo Valley Water District may implement appropriate corrective action(s), up to and including formal discipline, in response to misconduct--including violations of this policy--even if the violation does not rise to the level of unlawful conduct.

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<sup>1</sup> For example veterans preference is permitted under Government Code 18973.1.

## **Harassment Prevention**

Harassment is a form of discrimination that is prohibited by law including Title VII of the Civil Rights Act of 1964 and California Government Code Section 12940 et seq. Harassment is a costly form of discrimination that can result in expensive litigation that may result in back pay or punitive damage awards, withdrawal of federal support funds and/or other adverse actions. District employees have a grave responsibility for maintaining high standards of honesty, integrity, impartiality and conduct to assure proper performance of the District's business and the maintenance of confidence of the people it serves. It is the policy of the San Lorenzo Valley Water District that harassment is unacceptable and will not be condoned or tolerated.

Prohibited harassment, disrespectful or unprofessional conduct, includes but is not limited to the following behavior:

- Verbal conduct such as slurs, derogatory jokes or comments, insults, epithets, gestures, teasing, or unwanted sexual advances, invitations, comments, posts, or messages;
- Visual displays such as gestures, posting or distribution of derogatory, offensive and/or sexually oriented posters, symbols, cartoons, drawings, computer displays, emails, or messages or pictures via social media platforms;
- Physical conduct including assault, unwanted touching, physically threatening another person, intentionally blocking someone's normal movement or interfering with work because of sex, race or any other protected basis;
- Threats and demands to submit to sexual requests or sexual advances as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors;
- Retaliation for reporting or threatening to report harassment; and
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law or by District policy.

Prohibited harassment is not just sexual harassment, but also harassment based on any protected category/characteristic.

## **Sexual Harassment**

Sexual harassment is a type of unlawful harassment. Sexual harassment is generally categorized into two types:

### **1. Quid Pro Quo ("this for that")**

- Submission to sexual conduct is made explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of the conduct by an employee is used as the basis for employment decisions affecting the employee.

## **2. Hostile Work Environment**

- Conduct of a sexual nature or on the basis of sex by any person in the workplace that unreasonably interferes with an employee's work performance and/or creates an intimidating, hostile or otherwise offensive working environment. Examples may include but are not limited to:
  - Unwelcome sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, voicemails or gifts.
  - Sex, gender or sexual orientation-related comments, slurs, jokes, remarks or epithets.
  - Leering, obscene or vulgar gestures or making sexual gestures.
  - Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters or any such items.
  - Impeding or blocking movement, unwelcome touching or assaulting others.
  - Any sexual advances that are unwelcome as well as reprisals or threats after a negative response to sexual advances.
  - Conduct or comments consistently targeted at one gender, even if the content is not sexual.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the motivation is sexual desire.

### **Anti-Retaliation**

The District will not retaliate against you for filing a complaint or participating in any workplace investigation or complaint process and will not tolerate or permit retaliation by management, supervisors, employees or co-workers.

As used in this policy retaliation is defined as any adverse employment action taken against an employee because the employee engaged in activity protected under this policy. Adverse employment action is conduct or an action that materially affects the terms and conditions of the employee's employment status or is reasonably likely to deter the employee from engaging in protected activity. Even actions that do not result in a direct loss of compensation may be regarded as an adverse employment action when considered in the totality of the circumstances.

Examples of retaliation may include but are not limited to: demotion; suspension; reduction in pay; denial of a merit salary increase; failure to hire or consider for hire; refusing to promote or consider for promotion because of reporting a violation of this policy; harassing another employee for filing a complaint; denying employment opportunities because of making a complaint or for cooperating in an investigation; changing someone's work assignments for identifying harassment or other forms of discrimination in the workplace; treating people differently such as denying an accommodation or not talking to an employee when otherwise required by job duties, or otherwise excluding the employee from job-related activities because of engagement in activities protected under this policy.

## **Reasonable Accommodation**

Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship. To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the District will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any job applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact a District representative with day-to-day personnel responsibilities and discuss the need for an accommodation. The District will engage in an interactive process with the employee to identify possible accommodations, if any, that will help the applicant or employee perform the job. An applicant, employee or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should also contact a District representative with day-to-day personnel responsibilities and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, the District will make the accommodation.

The District will not retaliate against you for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by management, employees or co-workers.



## **TRAINING REQUIREMENTS**

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Every two years, all employees must attend discrimination, harassment and retaliation prevention training and education as required by law. Non-managerial employees must attend 1 hour of training, and supervisory or managerial employees must attend 2 hours training. The District Manager shall designate supervisory and managerial employees for the purpose of this policy.

The training and education shall be aimed at increasing employees' understanding of and preventing workplace sexual harassment (including harassment on the basis of sexual orientation, gender identity, and gender expression) and their role in creating an underlying culture of mutual respect in our workplace. Specific components of the training will include how to promptly and effectively respond to sexual harassment when it occurs, the effects of abusive conduct in the workplace, and ways to appropriately intervene if one is witness to behavior that is not in keeping with this policy. The training and education will include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

### **Publicizing:**

This policy and reporting process shall be readily available to all officers, employees, applicants and members of the general public utilizing the District's facilities and services.

All new District officers and employees shall be given a copy of this Discrimination, Harassment, and Retaliation Prevention Policy at the time of appointment or hiring. All employees shall be required to sign an acknowledgment of this Discrimination, Harassment, and Retaliation Prevention Policy stating that he or she has read the policy and understands and agrees that it is the employee's responsibility familiarize himself/herself with its contents, including reporting procedures.

At least annually, on or about January 15th of each calendar year, or whenever the Board of Directors adopts revisions to this Discrimination, Harassment, and Retaliation Prevention Policy, the District Manager shall promptly distribute a copy of the revised policy to all officers and employees of the District via the District's website or another lawful method.

## **ADDRESSING AND REPORTING VIOLATIONS OF THIS POLICY**

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Any person who experiences or is witness to behavior that they believe violates this policy is encouraged to immediately tell the offending individual that the behavior is inappropriate and, if they feel comfortable doing so, to tell the offending individual to stop the behavior.

A complaint may be brought forward verbally or in writing. Supervisors must immediately refer all complaints involving harassment, discrimination, retaliation or other prohibited conduct to Human Resources and the District Manager so the District can try to resolve the complaint. If the alleged offender is the District Manager, the alleged violation should be reported to any other supervisor or manager.

When the District receives allegations of misconduct, it will immediately undertake a fair, timely, thorough and objective investigation of the allegations in accordance with all legal requirements. The District may assign the investigation of a report of alleged violation to an outside party. The District will reach reasonable conclusions based on the evidence collected.

Complaints will be:

- Responded to in a timely manner;
- Kept confidential to the extent possible;
- Investigated impartially by qualified personnel in a timely manner;
- Documented and tracked for reasonable progress;
- Given appropriate options for remedial action and resolution; and
- Closed in a timely manner.

Even in the absence of a formal complaint, an investigation may be initiated where there is reason to believe that conduct that violates this policy has occurred. Anonymous complaints will also be investigated. Moreover, even where a complainant conveys a request to withdraw their initial formal complaint, the District may continue the investigation to ensure that the workplace is free from discrimination, harassment and retaliation.

The District will maintain confidentiality to the extent possible. However, the District cannot promise complete confidentiality. The employer's duty to investigate and take corrective action may require the disclosure of information to individuals with a need to know.

All employees are required to cooperate fully with any investigation. This includes, but is not limited to, maintaining an appropriate level of discretion regarding the investigation and disclosing any and all information that may be pertinent to the investigation.

If the District determines that harassment, discrimination, retaliation or other prohibited conduct has occurred, appropriate and effective corrective and remedial action will be taken in accordance with the circumstances involved. The District also will take appropriate action to deter future misconduct.

Any employee determined by the District to be responsible for harassment, discrimination, retaliation or other prohibited conduct will be subject to appropriate disciplinary action, up to, and including termination. An employee who knowingly makes a false report will be subject to appropriate disciplinary actions, up to, and including termination.

If employees engage in unlawful harassment, they may be held personally liable for the misconduct.

**Contact information for the District Manager, Rick Rogers is:**

**Email: [rrogers@slvwd.com](mailto:rrogers@slvwd.com) or Phone: 831 430-4624**

## **FILING OF COMPLAINTS OUTSIDE THE DISTRICT**

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An individual may file a formal complaint of discrimination, harassment, or retaliation with the agencies listed below. Individuals who wish to pursue filing with these agencies should contact them directly to obtain further information about their processes and time limits.

### **California Department of Fair Employment and Housing**

2218 Kausen Drive, Suite 100 Elk

Grove, CA 95758

800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711

[contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

<https://www.dfeh.ca.gov>

### **U.S. Equal Employment Opportunity Commission**

450 Golden Gate Avenue

5 West, P.O Box 36025

San Francisco, CA 94102-3661

1-800-669-4000 or 1-844-234-5122 (Deaf/hard-of-hearing callers only)

<http://www.eeoc.gov/employees>

### **CALIFORNIA STATE AGENCIES ONLY:**

#### **State Personnel Board Appeals Division**

801 Capitol Mall Sacramento, CA

95814

(916) 653-0799 or TDD Line (916) 653-1498

[appeals@spb.ca.gov](mailto:appeals@spb.ca.gov)

[www.spb.ca.gov](http://www.spb.ca.gov)

**CONFIDENTIAL**  
**SENSITIVE PERSONNEL INFORMATION**

**SAN LORENZO VALLEY WATER DISTRICT**  
**DISCRIMINATION, HARASSMENT, AND RETALIATION PREVENTION POLICY**  
**COMPLAINT FORM**

**COMPLAINANT INFORMATION**

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NAME:

WORK PHONE:

IMMEDIATE SUPERVISOR:

Please describe the conduct that you believe violates the Discrimination, Harassment or Retaliation Prevention Policy. In your narrative, describe: (1) What happened to you; (2) Why you believe you are being discriminated, harassed, or retaliated against, including the reason or evidence you have to support your belief, and; (3) When the acts of discrimination, harassment, or retaliation occur (attach additional pages if needed). If you require assistance with completing this form as a reasonable accommodation, please contact Human Resources.

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**C O N F I D E N T I A L**  
**SENSITIVE PERSONNEL INFORMATION**

**PERSON(S) ALLEGED TO HAVE VIOLATED THE POLICY**

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<b>Person #1 - Name:</b>	<b>Position:</b>	<b>Work Location:</b>
<b>Person #2 - Name:</b>	<b>Position:</b>	<b>Work Location:</b>
<b>Person #3 - Name:</b>	<b>Position:</b>	<b>Work Location:</b>

**PERSON(S) WITH INFORMATION/KNOWLEDGE OF THE ALLEGED INCIDENTS**

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<b>Witness Name:</b>	<b>Position:</b>	<b>Work Location:</b>
<b>Witness Name:</b>	<b>Position:</b>	<b>Work Location:</b>
<b>Witness Name:</b>	<b>Position:</b>	<b>Work Location:</b>

**HAVE YOU COMPLAINED TO ANYONE AT SAN LORENZO VALLEY WATER DISTRICT ABOUT THIS MATTER?**

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If yes, explain the situation. When did you complain, to whom, and what was the result?

Please submit to the District Manager and/or Human Resources, or as otherwise specified in the Policy.

**SAN LORENZO VALLEY WATER DISTRICT  
DISCRIMINATION, HARASSMENT, AND RETALIATION PREVENTION POLICY**

**CONFIRMATION OF RECEIPT**

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I have received my copy of the District's Harassment, Discrimination and Retaliation Prevention Policy. I understand and agree that it is my responsibility to read and familiarize myself with this policy.

I understand that the District is committed to providing a work environment that is free from harassment, discrimination and retaliation. My signature certifies that I understand that I must conform to and abide by the rules and requirements described in this policy.

Employee's Signature: \_\_\_\_\_

Employee's Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_