

Sacramento Suburban Water District

Discrimination, Harassment, and Abusive Conduct Prevention Policy

Adopted: July 21, 2003

Approved with changes on: August 19, 2024

100.00 Purpose of the Policy

The purpose of this policy is to confirm the District's commitment to provide a professional work environment free of unlawful discrimination, harassment, and abusive conduct, including conduct based on a protected characteristic, and an environment free from retaliation for participating in any protected activity covered by this policy.

200.00 Policy

Discrimination, harassment, and/or abusive conduct in the workplace or in the course and scope of employment by any person in any form that is in violation of this policy is prohibited.

Discrimination is defined as the unequal treatment in any aspect of employment, based solely or in part on a protected characteristic, including an employee or applicant's perceived protected characteristic. Protected categories include: race, color, religion, religious creed, national origin, ancestry, citizenship, physical or mental disability, medical condition, protected medical leaves, genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age (40 years and over), sexual orientation, veteran and/or military status, domestic violence victim status, political affiliation, and any other characteristic protected by state or federal anti-discrimination law covering employment. Discrimination includes unequal treatment based upon an association with a member of these protected classes.

Discrimination may include but is not necessarily limited to: hostile or demeaning behavior directed due to a protected characteristic; allowing the protected characteristic to be a factor in hiring, transferring, promoting, terminating, separating, compensating or other employment-related or working condition decisions unless otherwise permitted by applicable law, and providing unwarranted assistance or withholding work-related assistance, cooperation, and/or information to applicants or employees because of their protected characteristic.

Harassment is defined as unwelcome disrespectful or unprofessional conduct, including disrespectful or unprofessional conduct based on any of the protected characteristics listed above. Harassment can be verbal (such as slurs, jokes, insults, epithets, gestures, or teasing), visual (such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails), or physical

conduct (such as physically threatening another person, blocking someone's way, or making physical contact in an unwelcome manner).

This policy applies to all persons involved in the functions of the District, including directors, supervisors, managers, employees, contractors, consultants, vendors, and other third parties.

Sexual harassment is discrimination based on sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, or sexual orientation. It can include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature.

Sexual harassment is generally categorized into two types:

- “Quid pro quo” (“this for that”): Occurs when an individual in a position of authority over another (for example, a manager or supervisor) directly or indirectly demands sexual favors from a subordinate in exchange for some benefit such as a promotion or pay increase, or to avoid an adverse employment action such as demotion or termination.
- “Hostile Work Environment”: Occurs when unwelcome conduct or comments based on sex, gender, gender identity, gender expression, or sexual orientation by any person in the workplace unreasonably interferes with an individual's work performance and/or creates an intimidating, hostile, threatening or offensive working environment.

Sexual harassment can occur regardless of if the harasser and the victim are of different sexes or the same sex. Individuals of any gender can be the target of sexual harassment. Unlawful conduct does not need to be motivated by sexual desire, but can occur as a result of hostile acts toward an individual because of the individual's gender, gender identity, gender expression, or sexual orientation.

Examples of sexual harassment include but are not limited to: unwelcome sexual advances, flirtation, teasing, sexually suggestive or obscene pictures, letters, invitations, emails, voicemails, or gifts; sex, gender or sexual orientation-related comments, slurs, jokes, remarks or epithets; leering, obscene or vulgar gestures; displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters; impeding or blocking movement, touching or assaulting others; reprisals or threats after a negative response to sexual advances; and conduct or comments consistently targeted at one gender, even if the content is not sexual.

Abusive Conduct is defined as conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests.

Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable

person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute 'abusive conduct', unless especially severe and egregious.

The District encourages all employees to immediately report any incidents of discrimination, harassment, and/or abusive conduct so that complaints can be addressed timely. The District will promptly and thoroughly investigate any complaint of discrimination, harassment, or abusive conduct of any type and will take whatever corrective and preventative action is deemed necessary, including disciplining or discharging any individual who is found to have violated this policy. All complaints and investigations will be designated as confidential to the extent possible and permitted by law. However, complete confidentiality of an investigation cannot be guaranteed when it interferes with the District's ability to fulfill its obligations under this policy or the law.

If an employee chooses, they may file a complaint with the State of California Civil Rights Department (CRD) and/or with the United States Equal Employment Opportunity Commission (EEOC). These agencies are charged with the responsibility of accepting and reviewing all complaints.

The District will not retaliate against an employee for reporting an allegation of discrimination or harassment, and it will not tolerate or permit retaliation by other employees against the reporting employee or any employees participating in the investigation of a discrimination, harassment, and/or abusive conduct complaint. Any employee who believes they have been retaliated against because of a claim of discrimination or harassment, or from participation in an investigation, may file a claim of retaliation with the District, the CRD and/or the EEOC.

300.00 Authority and Responsibility

The General Manager and each supervisor or manager will be responsible for maintaining a workplace free of discrimination, harassment, and abusive conduct. This responsibility includes discussing this policy with all employees and assuring them they are not required to endure any form of discrimination, harassment, and/or abusive conduct. The District will provide a copy of this policy and the pertinent fact sheets from the CRD to all new employees and will periodically remind all employees of their rights and duties regarding discrimination, harassment and abusive conduct at minimum on an annual basis.

Management and supervisory employees must also comply with the legal requirement to receive two hours of supervisor sexual harassment training and abusive conduct prevention every two years. All non-supervisory employees must receive one hour of employer-paid sexual harassment and abusive conduct prevention training every two years. The District will also post related federal/state information notices on employee bulletin boards.

The General Manager is responsible for ensuring that all reports and complaints of discrimination, harassment, and/or abusive conduct are investigated promptly, thoroughly and fairly, regardless of the way they are made or the individuals

involved, and confidentiality shall be maintained to the extent possible. The person who receives the complaint, if other than the General Manager, shall refer the complaint to the General Manager. The General Manager will review every case, including all investigation findings and recommendations. The General Manager has established a timely and thorough process for investigating all reports or complaints of unlawful discrimination and harassment as set forth in the Discrimination and Harassment Prevention Procedure (PR – HR 008). If a complaint is substantiated, appropriate corrective and remedial action will be taken, up to and including termination of employment.

If the person alleged to have engaged in discrimination or harassment is the General Manager, then the person who received the complaint shall refer it to the President of the District's Board of Directors and the President, in consultation with District counsel, shall be responsible for investigating the complaint. As with all other complaints and investigations, it will be designated as confidential to the extent possible.

If the person alleged to have engaged in discrimination or harassment is a member of the Board of Directors, the General Manager shall consult with District counsel prior to and during the investigative process.

400.00 Policy Review

This policy shall be periodically reviewed by the Board of Directors in accordance with its established policy review schedule.