

RESOLUTION NO. 19-19
A RESOLUTION OF THE DRAPER CITY COUNCIL REPEALING AND REPLACING SECTION 2030 - HARASSMENT-FREE WORKPLACE, OF THE PERSONNEL POLICY MANUAL.

WHEREAS, The City Council, from time to time, reviews and adopts policies and procedures to assist in the efficient utilization of scarce City resources and the fair and uniform application of requirements and benefits to City employees; and

WHEREAS, The City Council has reviewed the proposed amendment to the Personnel Policy Manual and has determined the need to repeal and replace Section 2030; and

WHEREAS, The City Council believes this change to the Personnel Policy Manual is in the best interest of the employees of Draper City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

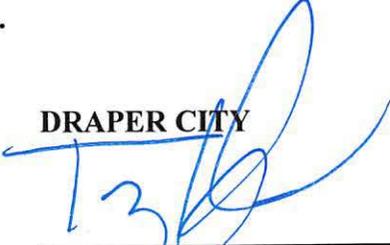
Section 1. Amendment. The Draper City Council does hereby approve the amendment to the Personnel Policy to repeal and replace Section 2030 as attached hereto as Exhibit "A".

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS THE 11th DAY OF JUNE, 2019.

DRAPER CITY



Mayor Troy K. Walker

ATTEST:



Laura Oscarson, City Recorder



VOTE TAKEN:

YES

NO

Councilmember Green

✓

Councilmember Lowery

✓

Councilmember Summerhays

absent

Councilmember Vawdrey

✓

Councilmember Weeks

absent

Mayor Walker

EXHIBIT "A"

Section 2030 - Harassment-Free Workplace

Draper City is committed to providing a work environment that is free of prohibited harassment. As a result, the City maintains a strict policy prohibiting sexual harassment by and against employees.

This policy also protects employees from prohibited harassment by third parties, such as customers, vendors, clients, or visitors. If such harassment occurs in the workplace by someone not employed by Draper City, the procedures in this policy should be followed. The workplace includes: actual worksites, any setting in which work-related business or training is being conducted (whether during or after normal business hours), city-sponsored events, or city owned/controlled property.

1. Sexual Harassment Defined

Sexual harassment includes:

- Unwanted sexual advances or propositions, including repeated and unwelcome requests for dates;
- Requests for sexual favors;
- Submission to conduct of a sexual nature that is made a term or condition of employment or continued employment;
- Submission to, or rejection of, conduct of a sexual nature that is used as a basis for employment decisions such as raises, promotions, demotions, disciplinary action, or assigned duties;
- Conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct such as leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, posters, websites, emails or text messages;
- Verbal conduct such as making or using sexually derogatory comments, innuendos, epithets, slurs, sexually explicit jokes, comments about an individual's body or dress, whistling, or making suggestive or insulting sounds;
- Verbal and/or written abuse of a sexual nature including: verbal and/or written sexually degrading commentary about an individual's body or dress;
- Sexually suggestive or obscene letters, notes, invitations, emails, text messages, tweets or other social media postings;
- Physical conduct such as unwanted touching, assault or impeding or blocking normal movements;
- Retaliation for making reports or threatening to report sexual harassment;
- Other conduct of a sexual nature that may disrupt the workplace;
- Any of the above that takes place outside the workplace, which subsequently disrupts the workplace.

2. Other Types of Harassment Defined

Other harassment includes:

- Unwelcome conduct that is based on an individual's status, including race, color, ethnicity, national origin, religion, sex, pregnancy, sexual orientation, gender identification, age, disability, body type, weight, or genetic information;
- Verbal conduct including taunting, jokes intended to demean another person or class of people, threats, epithets, derogatory comments, or slurs;

- Visual and/or written conduct including derogatory posters, photographs, calendars, cartoons, drawings, websites, emails, text messages, letters, instant messages, or gestures;
- Physical conduct including assault, unwanted touching, or intentionally blocking normal movement;
- Other harassing conduct that may disrupt the workplace.
- Any of the above that takes place outside the workplace, which subsequently disrupts the workplace.

3. Harassment Prohibited and Discipline for Violation of this Policy

Sexual harassment and other types of harassment are prohibited by this policy. Employees who violate this policy may be subject to discipline up to and including termination.

4. Complaint Procedure

Any applicant or employee who believes that he or she has been subjected to sexual or other harassment or retaliation by a co-worker, supervisor, manager, client, visitor, vendor, customer, volunteer or temporary or seasonal worker of Draper City, or who believes another individual has been subject to such conduct, should report it immediately. Applicants and employees are encouraged to report concerns, even if they relate to incidents in the past, involve individuals who are no longer affiliated with Draper City, or concern conduct occurring outside of work if it impacts the individual at work.

Complaints can be made verbally, or in writing, to the highest-ranking on-site supervisor or manager or to any Human Resources Representative. Employees are not required to report any prohibited conduct to a supervisor or manager who may be hostile, who has engaged in such conduct, who is a close associate of the person who has engaged in such conduct, or with whom the employee is uncomfortable discussing such matters.

Employees are encouraged, but not required, to communicate to the offending person that his/her conduct is offensive and unwelcome. Any supervisor or manager who receives a complaint of harassment or retaliation must immediately report the allegation to Human Resources.

After a report is received, the Human Resource Director will contract with a third-party investigator who will conduct a thorough and objective investigation. Confidentiality will be maintained to the extent practical and permitted by law. Investigative information will be designated as "protected" under GRAMA. The investigation will be completed and the findings communicated to the involved employee(s) and to the City Manager as soon as practical.

If a complaint of prohibited harassment or discrimination is substantiated, appropriate disciplinary action, up to and including termination of employment, will be taken. If a complaint cannot be substantiated, the City may take appropriate action to reinforce its commitment to providing a work environment free from harassment.

5. Appeal

An employee who is dissatisfied with the findings of an investigation may appeal the decision to the City Manager. If the City Manager is involved in the matter, the appeal may be filed with the Mayor. An appeal must be filed with the City Recorder within ten calendar days from the date the employee received the findings of the investigation. The appeal must clearly state the employee's reasons for the appeal. The City Manager or Mayor shall respond to the appeal within thirty days after filing. The decision of the City Manager or Mayor is final.

6. Manager's Responsibility

All supervisors and managers are responsible for:

- Implementing this policy, which includes, but is not limited to, taking steps to prevent harassment and retaliation;
- Ensuring that all employees under their supervision have knowledge of and understand this policy;

- Promptly reporting any complaints to the designated Human Resources Representative so they may be investigated and resolved in timely manner;
- Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with this policy; and
- Conducting themselves, at all times, in a manner consistent with this policy.

Failure to meet these responsibilities may lead to disciplinary action, up to and including termination.

7. Protection Against Retaliation

Retaliation is prohibited against any person by another employee or by Draper City for using this complaint procedure, reporting proscribed harassment, objecting to such conduct or filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit.

Individuals who believe they have been subjected to retaliation, or believe that another individual has been subjected to retaliation, should report this concern to the highest ranking on-site supervisor or manager or to any Human Resources Representative. Any report of retaliatory conduct will be investigated in a thorough and objective manner. If a report of retaliation prohibited by this policy is substantiated, appropriate disciplinary action, up to and including termination of employment, will be taken. If a complaint cannot be substantiated, the City may take appropriate action to reinforce its commitment to providing a work environment free from retaliation.

8. Good Faith

The initiation of a good faith complaint of harassment or retaliation will not be grounds for disciplinary action, even if the allegations cannot be substantiated. Any individual who makes a complaint that is demonstrated to be intentionally false may be subject to discipline, up to and including termination.

9. Support for Individuals Impacted by Harassment or Retaliation

Draper City will strive to assist anyone who has been subjected to unwelcome harassment or retaliation to enjoy a safe and protected workplace.