

WEST SLOPE WATER DISTRICT

RESOLUTION NO. 04-2017

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE WEST SLOPE WATER DISTRICT TO ADOPT A DISTRICT POLICY FOR DISCRIMINATORY WORKPLACE HARASSMENT

WHEREAS, the West Slope Water District ("District") holds respect, courtesy, and integrity towards all people as an important core value; and


WHEREAS no employee, customer, consultant, contractor, or elected official should be subjected to discriminatory workplace harassment from any employee or elected official of the District;

NOW, THEREFORE, BE IT RESOLVED BY THE DISTRICT'S BOARD OF COMMISSIONERS TO:

- Section 1) Adopt Exhibit "A" as a new District policy against discriminatory workplace harassment.
- Section 2) Replace and supersede all previous District illegal harassment policies.
- Section 3) Include the new policy (Exhibit "A") in Section 5 of the District's Employee Manual.

Adopted this 15th day of November, 2017

WEST SLOPE WATER DISTRICT

By: 

Noel Reiersen, Commissioner

ATTEST

By: 

Michael Hoffman, Treasurer

DISCRIMINATORY WORKPLACE HARASSMENT

Policy:

West Slope Water District has a zero-tolerance policy for illegal harassment during work, during District business, or while on District property by an employee or by any non-employee (including all District customers, board & committee members, visitors, applicants, and independent contractors).

No employee should be subject to unwelcome verbal or physical conduct on the basis of an employee's gender, religion, age, physical or mental ability, marital or familial status, veteran status, race, color, national origin, sexual orientation, political affiliation, or membership in any other category protected by law. Illegal harassment refers to behavior that is not welcome, that is personally offensive, that debilitates morale, and that, therefore, interferes with work effectiveness.

Violations of this policy by any District employee or elected official shall be subject to disciplinary action up to and including dismissal.

It is critical that all employees treat all others with dignity and respect. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation, and training.

Discriminatory Harassment Defined:

Verbal Harassment: Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments. This includes but is not limited to inappropriate sexually-oriented comments on appearance, including dress or physical features, sexual rumors, and race oriented stories.

Physical Harassment: Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual. This includes pinching, patting, grabbing, inappropriate behavior in or near District facilities or facilities where District events are being conducted, or making explicit or implied threats or promises in return for submission to physical acts.

Visual Forms of Harassment: Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings or pictures. This applies to both posted material or material maintained in or on District's equipment or personal property in the workplace.

Sexual Harassment: Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, or is used as the basis of an employment decision, or unreasonably interferes with an individual's work

performance, or creates an intimidating, hostile or offensive work environment and by this policy includes the following conduct.

Examples of Prohibited Conduct:

- Offering or implying an employment-related reward in exchange for sexual favors or submission to sexual conduct.
- Threatening or taking of a negative employment action if sexual conduct or some other action tied to a protected category is rejected.
- Unwelcome sexual advances or repeated flirtations. Unwelcome gestures or symbols related to any protected class.
- Unwelcome intentional touching of another person or other unwanted intentional physical contact.
- Asking, unwelcome questions or making unwelcome comments about another person's sexual activities, dating, personal or intimate relationships, appearance, race, religion, age, or any other category protected by law.
- Unwelcome whistling, staring, or leering at another person.
- Unwelcome sexually suggestive or flirtatious gifts, letters, notes, email, or voice mail.
- Conduct or remarks that are sexually suggestive or that demean or show hostility to a person because of the person's gender, age, race, disability or any other category protected by law.
- Displaying or circulating pictures, objects, or written materials, that are sexually suggestive or that demean or show hostility to a person because of the person's gender, race, age, religion, disability, marital status or any other category protected by law.
- If you have any questions about what constitutes harassing behavior, ask your supervisor or another manager.

Management Responsibility:

District management staff members (General Manager, Operations Manager, and Finance & Customer Service Manager) are responsible for preventing illegal workplace harassment. This responsibility includes immediately reporting

conduct by anyone that may constitute illegal harassment, even if the conduct was sanctioned and regardless of how awareness of conduct was gained. The District management staff members have a duty and an obligation to investigate and address all allegations of illegal workplace harassment.

Reporting Harassment:

Any employee, applicant, contractor, vendor, District customer, or elected official who feels that he/she is the victim of any form of illegal harassment should inform the person(s) participating in the behavior that he/she finds the conduct offensive. If the harassment conduct continues or the victim chooses not to confront the harassing person(s), the victim can initiate the complaint process identified in this policy.

- 1) **Filing a Preliminary Complaint:** The victim of illegal workplace harassment should notify their immediate supervisor and/or the General Manager either verbally or in writing within thirty (30) calendar days of the alleged incident.
- 2) **Preliminary Complaint Investigation:** District management staff shall conduct an initial investigation and make a preliminary determination as to whether there is merit to the alleged incident. If no merit is found, District management staff shall encourage the parties involved to reconcile the complaint(s) or conflict(s) between the parties including the use of the District's Employee Assistance Program.
- 3) **Formal Complaint:** If the Preliminary Complaint Investigation finds merit to the alleged incident and no resolution or reconciliation has been achieved, a formal written complaint should be filed by the alleged victim with District management staff. The written complaint should be completed, signed and returned to the District within five (5) days of the Preliminary Complaint Investigation finding. Upon receipt of the formal written complaint, District management staff will contact the alleged harasser(s) as soon as possible. The alleged harasser(s) will be informed of the basis of the complaint, will be given a copy of the alleged victim's formal written complaint, and will be provided an opportunity to respond to the allegations in writing. The written response shall be addressed to District management staff within ten (10) calendar days of being informed of the complaint.
- 4) **Formal Investigation and Findings:** District management staff may choose to further investigate the complaint. A formal investigation may include interviews with any other persons determined by District management staff to possibly possess any relevant knowledge concerning the complaint including other victims of similar conduct.

Information and testimony gathered through the formal investigation is to be reviewed to determine whether the alleged conduct constitutes harassment giving consideration to all factual information, the totality of the circumstances including the nature of the verbal, physical, visual, or sexual conduct and the context in which the alleged incidents(s) occurred. The results of the formal investigation and the determination as to whether harassment occurred shall be final and binding and will be reported to the alleged victim, the alleged harasser(s) and any other appropriate person(s) within twenty (20) calendar days from receipt of the formal written complaint response.

Disciplinary Action:

If the District management staff determine harassment has occurred, the District will take prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense up to and including termination from employment. If discipline is imposed, the nature and extent of the discipline will not be divulged to the complainant.

Protection from Retaliation:

The District prohibits retaliation against employees who bring illegal harassment charges or assist in the investigation of charges. All District employees are protected from retaliation by the District's whistleblower protection policy.

Privacy and Confidentiality:

Confidentiality will be maintained to the fullest extent possible in accordance with applicable Federal, State, and local law.

False Complaints:

Any complaint made by a District employee regarding illegal workplace harassment which is conclusively proven to be false shall result in discipline of the complainant up to and including termination from employment. This policy is not intended to discourage employees from making complaints regarding discriminatory workplace harassment. However, false complaints adversely impact the overall workplace as well as the career, reputation, and integrity of the falsely accused employee. Such false complaints are not tolerated by the District.