

ADMINISTRATIVE POLICY 97-06

HARASSMENT PROHIBITED

In furtherance of the City and Borough of Juneau's commitment to human rights and equal employment opportunity, the City Manager hereby amends the existing policy and guidelines prohibiting employee harassment.

I. POLICY

Harassment by CBJ employees is prohibited by federal law at Sec. 703 of Title VII, 42 USC Sec. 2000 (e), state law at AS 18.82.220 (a), and by CBJ Personnel Rule 16 PR 040.

A. DEFINITION OF HARASSMENT

Harassment is unwelcome communication or conduct by an employee which has the purpose or effect of adversely affecting the employment relationship or working environment if it is based on sex, race, religion, color, national origin, age, physical or mental disability, marital status, changes in marital status, pregnancy, parenthood, or any other reason not based upon merit. Merit includes an employee's work performance, knowledge, skill, ability and willingness to perform assigned work. In determining whether conduct or communication adversely affects an employment relationship or working environment, the standard to be applied is whether a person of average sensibilities would clearly have found the communication or conduct to be harmful or offensive.

Harassment may include slurs, abusive language, threats, derogatory comments, unwelcome jokes, teasing and other similar verbal or physical conduct.

1. Sexual harassment

Sexual harassment is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicit or implicitly a terms or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

B. GENERAL PROVISIONS

1. Scope

This policy applies to all agencies and employees of the City and Borough of Juneau. Supervisors and managers also have an obligation to protect their employees from harassment in the workplace by nonemployees.

2. Intended application

This policy is not intended to restrict legitimate business activities such as reprimands, disciplinary actions, employee performance evaluations, or other activities which are clearly within the scope of a supervisor's responsibilities and serve a legitimate management purpose.

3. Authority to promulgate policy

The City Manager of the City and Borough of Juneau, Alaska, maintains the authority granted by the CBJ Charter to order policy and the guidelines for implementation.

4. Authority to implement policy

The CBJ Deputy City Manager holds the title of Equal Employment Opportunity (EEO) Officer for the CBJ, and thus has overall authority to administer this policy.

All administrative and supervisory staff employed by the CBJ, including all managers, directors, superintendents, administrators and supervisors, are responsible for taking immediate corrective action when they know or have reason to know of practices prohibited under this policy.

C. DISCIPLINE

Disciplinary action taken pursuant to this policy may be taken only after consultation with the Personnel Director.

1. Violation of the policy by an employee

Employees engaging in harassment will be subject to disciplinary actions. Based upon the seriousness of the offense, disciplinary actions will include verbal or written reprimands, suspension or dismissal.

2. Retaliation for filing a complaint

Any form of retaliation, reprisal or adverse action taken against an employee for complaining about, reporting, or cooperating in the investigation of harassment is prohibited and will subject the actor to disciplinary action up to and including suspension or dismissal. Discipline may be applied even if the harassment investigator determines that there was no initial violation of the policy.

3. Violation of the policy by a manager or supervisor

Any manager or supervisor who knew, or should have known, that harassment was occurring but failed to take timely corrective action shall be subject to disciplinary action.

4. Refusal to cooperate in an investigation

Investigations of harassment complaints are required by law and policy; thus, refusal by an employee to cooperate in such an investigation is cause for disciplinary action up to and including suspension or dismissal.

D. FILING COMPLAINTS OF HARASSMENT

Complaints should be reported to the immediate supervisor, department director, Personnel Director, or Deputy City Manager as soon as possible, but preferably no later than ninety (90) days after the last discriminatory act. Initial complaints need not be in writing. Complaints will be kept confidential except to the extent necessary for investigation and remedial action. Supervisors, department directors and others participating in the investigation of complaints must make efforts to protect the privacy of all involved.

Pursuit of remedies under this policy will not preclude an employee from seeking other remedies, including but not limited to filing actions before the Alaska State Human Rights Commission or the federal Equal Employment Opportunity Commission, or filing grievances under Article 18 of the General Government

Unit collective bargaining agreement, Article 18 of the Police Department Unit collective bargaining agreement, or Personnel Rule 15 for unrepresented employees.

E. INVESTIGATION OF COMPLAINTS

Complaints of harassment, when reported to supervisors, department directors, the Deputy City Manager or the Personnel Director shall be investigated promptly, thoroughly and as confidentially as possible.

1. Upon receiving a complaint, a supervisor or department director shall:
 - a. immediately inform the Personnel Director or Deputy City Manager that a complaint has been received and provide all relevant facts necessary to begin the investigation;
 - b. immediately make a determination, in consultation with the Personnel Director or the Deputy City Manager, if it is appropriate to separate the complainant and the respondent without taking action adverse to the complainant;
 - c. provide the complainant with a copy of this policy and inform the complainant of the right to file a formal complaint with the Alaska State Human Rights Commission and/or the Equal Employment Opportunity Commission, should the alleged harassment potentially violate federal or state law.
2. The Deputy City Manager or the Personnel Director shall cause an investigation to be conducted and report the findings to the City Manager for appropriate action.

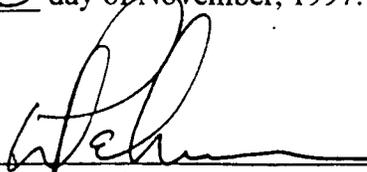
E. PUBLICATION OF POLICY

It is the responsibility of each department director to ensure that copies of this policy are posted on bulletin boards at every facility in the department, provided to all supervisory staff, and are included in all department policy manuals and employee handbooks.

G. EFFECTIVE DATE

This policy replaces Administrative Policy 94-02 and takes effect on November 13, 1997.

Dated at Juneau, Alaska, this 13 day of November, 1997.

A handwritten signature in black ink, appearing to read 'D. Palmer', written over a horizontal line.

David R. Palmer, City and Borough Manager
City and Borough of Juneau