

RESOLUTION NO. 2307

RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
LEUCADIA WASTEWATER DISTRICT  
UPDATING AND ADOPTING THE LEUCADIA WASTEWATER DISTRICT'S  
ANTI- HARASSMENT/DISCRIMINATION POLICY AND COMPLAINT PROCEDURES

**WHEREAS**, California law requires employers to have a detailed written policy for preventing harassment, discrimination and retaliation; and,

**WHEREAS**, the Leucadia Wastewater District Board of Directors intends to update and adopt an Anti-Harassment/Discrimination Policy and Complaint Procedures to meet current CA laws; and,

**WHEREAS**, it is in the interest of the Leucadia Wastewater District to adopt an Anti-Harassment/Discrimination Policy and Complaint Procedures.

**NOW, THEREFORE**, it is resolved as follows:

Section 1. The LWD Board of Directors adopts the LWD Anti-Harassment/Discrimination Policy and Complaint Procedures attached hereto as Exhibit "A" and directs that it be implemented consistent with all applicable laws and related District policies.

Section 2. Effective November 14, 2018 this Resolution supersedes Resolution No. 2161.

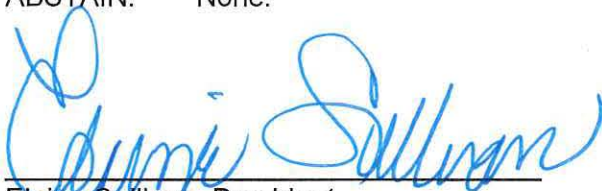
**PASSED AND ADOPTED** at a meeting of the Board of Directors of the Leucadia Wastewater District held November 14, 2018 by the following vote:

AYES: Sullivan, Kulchin, Juliussen, Omsted, Hanson

NOES: None.

ABSENT: None.

ABSTAIN: None.

  
Elaine Sullivan, President

ATTEST:

  
Paul Bushee, General Manager  
(SEAL)



LEADERS IN  
ENVIRONMENTAL  
PROTECTION

Ref: 19-6424

# Anti-Harassment/Discrimination Policy and Complaint Procedures

*Adopted: March 6, 2006  
Amended: November 14, 2018*

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## **Anti-Harassment/Discrimination Policy and Complaint Procedures**

### **1. Policy**

Leucadia Wastewater District (LWD) is committed to providing a professional work environment free from discrimination and harassment and an environment free from retaliation for participating in any protected activity covered by this policy.

LWD is committed to providing equal employment opportunities to all employees and applicants for employment. Accordingly, we have adopted and maintain this anti-discrimination policy designed to encourage professional and respectful behavior and prevent discriminatory and harassing conduct in our workplace. We will implement appropriate corrective action(s), up to and including termination, in response to misconduct--including violations of LWD's anti-discrimination policy--even if the violation does not rise to the level of unlawful conduct.

LWD prohibits discrimination or harassment based on the following protected categories: race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability,<sup>1</sup> medical condition (including cancer and genetic characteristics), 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, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, and any other status protected by state or federal law.

In addition, LWD prohibits retaliation against a person who engages in activities protected under this policy. Reporting, or assisting in reporting, suspected violations of this policy and cooperating in investigations or proceedings arising out of a violation of this policy are protected activities under this policy.

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 LWD has an opportunity to address and resolve any concerns. Managers and supervisors are required to promptly report conduct that they believe violates this policy. LWD 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.

### **2. Scope of Protection**

This policy applies to LWD applicants and employees (co-workers, supervisors and managers). As used in this policy, the term "employee" includes contractors and volunteers in our workplace. In addition, this policy extends to conduct with a connection to an employee's work, even when the conduct takes place away from LWD premises, such as a business trip or business-related social function.

### **3. Applicant/Employee Rights**

- 3.1 The right to a discrimination, harassment, and retaliation-free work environment.
- 3.2 The right to file a complaint of discrimination, harassment, or retaliation. Employees are encouraged to report inappropriate conduct immediately and, whenever possible, to put the complaint or concern in writing.

## **Anti-Harassment/Discrimination Policy and Complaint Procedures**

- 3.3 The right to a full, impartial and prompt investigation by a LWD representative or designee into allegations of conduct that would violate this policy.
- 3.4 The right to be timely informed of appropriate information related to the outcome of an investigation either as a complainant or a respondent in the investigation.
- 3.5 The right to be represented by a person of the complainant's choosing at each and all steps of the complaint process.
- 3.6 The right to be free from retaliation or reprisal after filing a complaint or participating in the complaint process.
- 3.7 The right to file a complaint directly with the California Department of Fair Employment and Housing, the federal Equal Employment Opportunity Commission or other appropriate state or federal agencies, or to file a civil action in the appropriate court.

### **4. Discrimination**

As used in this policy, discrimination is defined as the unequal treatment of an employee or applicant in any aspect of employment based solely or in part on the employee's or applicant's protected categories (see categories under section 1. Policy). Discrimination includes unequal treatment based upon the employee or applicant's association with a member of these protected classes.

Discrimination may include, but is not necessarily limited to: hostile or demeaning behavior towards applicants or employees because of their protected category; allowing the applicant's or employee's protected category to be a factor in hiring, promotion, compensation or other employment related 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 category.

### **5. Harassment**

As used in this policy, harassment is defined as disrespectful or unprofessional conduct, including conduct based on any of the protected categories 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, making physical contact in an unwelcome manner, etc.)

### **6. Sexual Harassment**

As used in this policy sexual harassment is defined as harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), conduct of a sexual nature, gender, gender identity or gender expression. It may include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be motivated by sexual desire and may include situations that began as reciprocal relationships, but that later cease to be reciprocal.

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Sexual harassment is generally categorized into two types:

### 6.1 Quid Pro Quo Sexual Harassment ("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.

### 6.2 Hostile Work Environment Sexual Harassment

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 include:

- 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.

## 7. Retaliation

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. Protected activities may include, but are not limited to, reporting or assisting in reporting suspected violations of this policy and/or cooperating in investigations or proceedings arising out of a violation of 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 under this policy 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.



## Anti-Harassment/Discrimination Policy and Complaint Procedures

### 8. Training Requirements

To comply with AB 1825, all management and/ supervisory employees must attend Sexual Harassment Prevention and Workplace Civility training every two years, aimed at increasing their 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 the 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 witnesses behavior that is not in keeping with this policy. In addition, to comply with SB 1343, LWD shall provide annual anti-harassment training to all employees. The training must be provided by either a trainer (classroom) or on-line computer training (webinar/interactive computer based) in accordance with CA law. The District will maintain all training sign-in sheets, certificates of attendance/completions and a copy of the training materials.

### 9. Addressing and Reporting Violations of this Policy

Any employee or applicant who experiences or witness's 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. The applicant or employee should also immediately report the alleged violation to his/her supervisor, manager or the General Manager. There is no chain of command when contacting the General Manager; an individual does not need supervisor or manager approval to do this. If the alleged offender is the employee's supervisor or manager, the employee should report the conduct to any other supervisor, manager or the General Manager. In incidents where the General Manager is the accused perpetrator of an incident of harassment, the complaint shall be filed with the District's Legal Counsel, Worden Williams, APC at (858) 755-6604 or the "We Tip" hotline at [www.wetip.com](http://www.wetip.com). A complaint may be brought forward verbally or in writing. Written complaints can be made using the Complaint Form (attachment).

Supervisors or managers who learn of any potential violation of this policy are required to immediately report the matter to the General Manager, and must follow that the General Manager's instructions as to how best to proceed.

LWD will promptly look into the facts and circumstances of any alleged violation, as appropriate. Even in the absence of a formal complaint, LWD may initiate an investigation where it has reason to believe that conduct that violates this policy has occurred. Moreover, even where a complainant conveys a request to withdraw their initial formal complaint, LWD retains the right to continue the investigation to ensure that the workplace is free from discrimination, harassment and retaliation. Anonymous complaints will also be investigated. The method will depend on the details provided in the anonymous complaint. If the complaint is sufficiently detailed, the investigation may be able to proceed in the same manner as any other complaint. If the information is more general, LWD may need to do an internal assessment or survey to try to determine if misconduct has occurred. All investigations will be fair, impartial, timely, and completed by qualified personnel.

To the extent possible, LWD will endeavor to keep the reporting of the applicant or employee's concerns confidential; however, complete confidentiality cannot be guaranteed when it interferes with LWD's ability to fulfill its obligations under this policy. 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 alleged violation to the person conducting the investigation. Upon completion of the investigation, if misconduct is substantiated, LWD will take appropriate corrective and preventive action calculated to end the conduct up to and including formal discipline and including up to termination where warranted.

## Anti-Harassment/Discrimination Policy and Complaint Procedures

Contact information for LWD:  
Paul J. Bushee, General Manager  
(760) 753-0155 ext. (3014)  
[pbushee@lwwd.org](mailto:pbushee@lwwd.org)

Contact information for LWD's General Counsel:  
Worden Williams, APC  
(858) 755-6604.

WipTip Hotline: (800) 781-7463 (if occurs within 24 hours)  
Online reporting: [www.wetip.com](http://www.wetip.com)

### 10. Filing Complaints Outside of LWD

Employees and applicants may file formal complaints 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. The deadline to file a complaint of harassment/discrimination with California Department of Fair Employment and Housing is one year from the date of the incident. The deadline to file a complaint of harassment/discrimination with the U.S. Equal Employment Opportunity Commission is 300 days from the date of the incident.

#### 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 510-735-8909 (Deaf/hard-of-hearing callers only) <http://www.eeoc.gov/employees>

#### State Personnel Board Appeals Division

801 Capitol Mall  
Sacramento, Ca 95814  
(916) 653-0799 or TDD Line (916) 653-1498

### 11. Corrective Action Guidelines

LWD will take appropriate corrective action(s) up to and including termination against any employee(s) when an investigation has found that misconduct occurred. Such corrective action(s) may include, but are not limited to, letters of reprimand, suspension, demotion, or termination. Additionally, depending on the nature of the violation, civil liability could be imposed on the violator as well as LWD.



**Anti-Harassment/Discrimination Policy and Complaint Procedures**  
**DISCRIMINATION, HARASSMENT, AND RETALIATION PREVENTION POLICY COMPLAINT**  
**FORM**

**COMPLAINANT INFORMATION**

Name:

Department:

Office Location:

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 the General Manager.

**PERSON(S) ALLEGED TO HAVE VIOLATED THE POLICY****Person - Name:****Position:****Work Location:****PERSON(S) WITH INFORMATION/KNOWLEDGE OF THE ALLEGED INCIDENTS****Witness Name:****Position:****Work Location:****HAVE YOU NOTIFIED ANYONE AT LWD ABOUT THIS MATTER?**

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

*If extra space is needed please attach additional page(s) to this form.*

**Please submit to the General Manager or District Counsel**