

Zero Tolerance Against Harassment, Discrimination and Retaliation 4.5

Our Zero Tolerance Policy: The Senate has established policies and complaint procedures for internal resolution of employees' work-related complaints of discrimination, harassment, or retaliation arising under this zero tolerance policy.

Zero Tolerance for Harassment: The Senate is committed to providing a workplace free of sexual harassment (including harassment based on gender, pregnancy, childbirth, or related medical conditions), as well as harassment based on such factors as race, color, religion, national origin, ancestry, gender identity, age, physical disability, mental disability, medical condition, marital status, sexual orientation, veteran status, family care or medical leave status. The Senate will not tolerate harassment of employees by Senate Members, managers, supervisors, co-workers, or members of the public. It is the Senate's policy to ensure that all employees work in a non-hostile environment.

Harassment can take many forms and includes, but is not limited to, impeding another's movement or otherwise physically interfering with normal work, assault, making slurs, offensive jokes, gestures, displaying pictures, drawings, or cartoons. Sexually harassing conduct can also include other unwelcome conduct such as requests for sexual favors, unwelcome sexual advances and conversation containing offensive sexual comments. Sexually harassing conduct can be by a person of either the same or opposite sex.

Zero Tolerance for Discrimination: The Senate is also committed to a policy of zero tolerance for discrimination in employment. (See also Equal Employment Opportunity policy.)

The Senate does not discriminate and will not tolerate discrimination on the basis of race, color, religion, sex, (including childbirth, pregnancy, or related medical condition), national origin, ancestry, gender identity, age, physical or mental disability, legally protected medical condition, family care status, veteran status, marital status, sexual orientation, or any other basis protected by state or federal laws.

The Senate will engage in a good faith interactive process with any employee requesting a reasonable accommodation for a disability or a religious belief or practice. In the event that the interactive process reveals a reasonable accommodation required by law, the Senate will grant the accommodation. The Senate, in its sole discretion, may grant accommodations not required by law and, by doing so, shall not intend such accommodation to indicate that it regards the accommodation to be legally required.

Zero Tolerance for Retaliation: Harassment or retaliation for opposing sexual harassment or participating in such investigations is illegal and will result in investigation and, where appropriate, disciplinary or other corrective action. An employee will not be disciplined or otherwise penalized because of a good faith complaint, regardless of whether or not the complaint is sustained. If an employee believes that he or she has been subjected to retaliation for lodging a complaint, cooperating with an investigation, or other protected conduct, the employee should immediately notify the Deputy Secretary for Human Resources.

Mandatory Prevention Training: All employees and Senators, at least once during each two-year session of the Legislature, are required to attend and participate in classroom prevention training provided by the Senate, designed to explain and convey the importance and meaning of this zero tolerance policy. The training will include practical examples and will afford the opportunity for interaction and clarification of each participant's rights and obligations. A failure to attend this training will result in corrective action.

Notification of a Violation of the Harassment, Discrimination & Retaliation Policy: Any incident of harassment or discrimination should be reported promptly to the Deputy Secretary for Human Resources, who will be responsible for investigating the matter. Senate Members or Supervisors who receive complaints or who observe harassing conduct should inform the Deputy Secretary for Human Resources immediately.

Employees should make complaints or inquiries as soon as possible after the events that give rise to the employee's work-related concerns. If the Deputy Secretary for Human Resources is absent or if the employees wish to do so for any reason, they may file complaints or inquiries with the Secretary of the Senate, or their Senator or supervisor. The complaint may be either oral or written, but should not be transmitted via e-mail and, if possible, should set forth in detail the basis for the employee's complaint.

Investigation: Every reported complaint of harassment, discrimination, or retaliation, shall be investigated thoroughly, promptly and in accordance with the law and the Senate's high standards of fairness and impartiality. As noted, the Senate will not tolerate retaliation against any employee for making a complaint of discrimination, harassment, or violence, or for reporting such misconduct or cooperating in an investigation.

The Deputy Secretary for Human Resources (or designee) will investigate the complaint, meeting separately with the employee and with others who are either named in the complaint or who may have knowledge of the facts set forth in the complaint. The Deputy Secretary for Human Resources will attempt to treat all internal complaints and investigations as confidential. However, in the course of investigating and resolving internal complaints, some dissemination of information to others may be necessary in order to effectuate required corrective action or resolution of factual disputes.

On completion of the investigation, the Deputy Secretary for Human Resources will orally report the findings and conclusions to the employee. Documents prepared during the course of the investigation are protected by personnel privacy considerations and will be protected from disclosure to the extent reasonably possible. However, prior to the institution of discipline or corrective action, the accused will be informed of the nature of the investigation, be provided an opportunity to respond and told of the outcome of the investigation.

In the event of a conflict of interest or any other reason within the sole discretion of the Senate Rules Committee, the Deputy Secretary for Human Resources may withdraw from the investigation or be asked to step aside by the Secretary of the Senate. Another competent, impartial investigator will conduct the investigation in such event.

Corrective Action: If a violation of this policy is found to have occurred, the Senate will take appropriate action as necessary and appropriately tailored to the circumstances.

Employees may contact other Agencies for relief or advice. Affected employees may also direct complaints or inquiries to the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC), which have the authority to conduct investigations of the facts and take other actions. Both agencies and the courts have the authority to award monetary and non-monetary relief in meritorious cases.

Employees can contact the nearest DFEH office or the FEHC at the locations listed in the state government listings in the local telephone directory.