

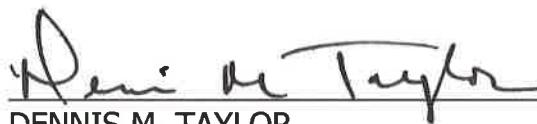
Repealed By

88

ADMINISTRATIVE ORDER NO. 69

An Administrative Order creating the following Human Resources Policy for the City of Billings: Mutual Respect and Sexual Harassment dated November 2002.

Dated this 7th day of December, 2002



DENNIS M. TAYLOR
CITY ADMINISTRATOR

Mutual Respect and Sexual Harassment

This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.

Purpose

Mutual respect, consideration and courtesy are expected of everyone employed by the City of Billings. City employees have the right to pursue their careers free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, including sexual harassment. Sexual harassment, for purposes of this policy, includes any gender-based harassment.

This policy communicates the City of Billings' position on sexual harassment and its expectations for appropriate behavior. This policy applies to and prohibits sexual harassment by everyone who works for the City of Billings, including administration, supervisors, and all full-time, part-time and temporary employees, as well as vendors and any other individual with whom employees come in contact while on the job. It is the responsibility of all employees, and management who believe they have been harassed to report such behavior so that the behavior can be investigated and appropriate action taken.

The City of Billings intends to maintain an environment for employees that is free from sexual harassment and intimidation. The City of Billings recognizes that sexual harassment undermines morale and interferes with the productivity of individuals and their coworkers such conduct will not be tolerated.

Policy

Federal and state law prohibits sexual harassment. Such harassment includes unwelcome sexual advances; requests for sexual favors; sexually-motivated physical contact; verbal, written and electronic communications; and visual and physical conduct of a sexual or gender-based nature when (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting an individual, or (3) such conduct is intended to or does interfere with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Sexual harassment may also take more subtle forms. Examples include stereotyped assumptions about the roles of men and women in the work force, or gender based jokes or rumors. It is important that employees, supervisors and managers be sensitive to overtones of harassment and deal with these situations appropriately.

Disrespectful behavior of any kind, sexual or any other form, ranging from inappropriate humor and subtle hints to overt acts, threats, or physical contacts, will not be tolerated.

City of Billings employees have an affirmative duty to report to their appropriate supervisor or department head any complaint of a lack of mutual respect, or any sexual harassment that is brought to their attention. Human Resources can also be contacted to report such incidents.

To foster an environment of mutual respect, the following guidance is provided:

1. Develop an understanding for different cultures and other personal differences.
2. Refrain from arguing or inciting co-workers and/or customers
3. Avoid:
 - insults
 - put-downs
 - bullying
 - trash talk
 - threats
 - making fun of others
 - other acts of courtesy or disrespect
4. Refrain from spreading gossip and innuendo

Procedure

Informal Resolution

Sexual conduct is considered harassment when it is "unwelcome." An inquiry into an allegation of sexual harassment often involves an assessment of whether the recipient made it known that the conduct was unwelcome. Direct attempt at resolution is encouraged; employees subjected to unwelcome sexual conduct should inform the perpetrator, verbally or in writing, that the conduct is (a) considered offensive and (b) must stop. Documentation of the interaction or copies of the correspondence should be kept and copies should be provided to the supervisor when the harassing conduct is reported. If the response of the perpetrator is unsatisfactory, or the employee feels uncomfortable confronting the perpetrator, the employee should initiate the complaint procedure described below.

Formal Reporting

Employees who believe they have been harassed, have witnessed harassment, or have had incidents of harassment reported to them by coworkers should report these matters to their immediate supervisor or other functionally related management personnel. If the employee is uncomfortable reporting the issue to the supervisor, the employee may take the concern directly to the appropriate director. The employee may also call Human Resources for assistance. Human Resources, working collaboratively with the director of the area, will investigate allegations of sexual harassment. Corrective action will be taken when appropriate.

Every effort will be made to resolve allegations of sexual harassment within a reasonable period of time. It is recommended that the investigation be conducted and recommendations for action be developed in 10 working days. The length of an investigation may vary depending upon the nature and scope of the behavior.

Investigation

The investigation will be conducted under the direction of management responsible for monitoring the performance and behavior of the individual accused of harassment. Upon notification, a representative from Human Resources will:

- Conduct an initial interview with the complainant. Information regarding the nature, scope, and extent of the harassment and any potential witnesses will be documented.
- Decide if action is necessary to protect the safety of the complainant. Such action may include, but is not limited to, change in work schedule or location, personal security arrangements for the complainant, or temporary suspension (with pay pending the outcome of the investigation) of the individual against whom the allegations have been made.
- Interview any additional witnesses identified by the complainant to gather pertinent information.
- Meet with the alleged harasser and review the charges brought forward, the policy regarding harassment, the nature of the investigation, and any current action being taken.
- Interview any additional witnesses identified by the alleged harasser.
- Ensure that the confidences of all individuals involved in the incident are respected to the extent possible while ensuring a thorough investigation.

Action

All information gathered from the investigation will be reviewed with the appropriate member of management and, if warranted, City Attorney. These individuals will determine action to be taken, which may include, but is not limited to, no disciplinary action, education, an apology, documentation (formal or informal), termination of employment, or other disciplinary action.

False Accusations

If the investigation establishes that the alleged conduct did not occur, the complainant must be informed that false sexual harassment claims will not be tolerated and will be addressed by appropriate corrective action. The wrongly accused must be assured that the false charges will not affect the terms or conditions of their employment with the City.

Recurrence of Harassment

Employees who have had a complaint addressed by this procedure should immediately report subsequent incidents.

Retaliation

Under no circumstances will retaliation or intimidation of a complainant be tolerated. Individuals who have had a complaint addressed by this procedure or have participated in an investigation shall immediately report any incidents if they are the subject of retaliation or intimidation.

Appeal

An employee who is not satisfied with the outcome of the investigation and resulting action(s) may appeal the decision(s) following the grievance process.

Last Updated: November 2002

Next Scheduled Review: November 2003