

City of Austin Personnel Policies - Harassment, Reporting & Investigations

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A4B

Harassment Policies

Harassment: Unwelcome verbal or physical conduct toward an individual or a group because of a protected class. Harassment can create a hostile work environment when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affects an individual's employment opportunities.

Sexual Harassment: Any unwelcome sex or gender based comments and/or conduct that occurs when:

- A. Submission to such conduct is made either openly or by implication a term or condition of an individual's employment;
- B. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that person; or
- C. Such conduct unreasonably interferes with the individual's work performance or creates an intimidating, hostile, or offensive working environment.

Harassment Policies Continued

Employee Conduct: Unacceptable personal conduct is behavior by an employee that is incompatible with the City's values. The City will not tolerate behavior or language that is disruptive, unprofessional, offensive, threatening and/or disrespectful including, but not limited to, horseplay, gossip, profanity, the mishandling of information, or communication that is untrue or inappropriate in a professional work environment.

The City of Austin defines bullying as persistent conduct that is malicious or unwelcome, that harms, intimidates, offends, degrades or humiliates an employee, whether verbal, nonverbal, physical, psychological, or otherwise.

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Reporting and Accepting Complaints

Reporting Discrimination, Harassment or Retaliation

Any employee who believes that they have been subjected to discrimination or harassment based on a protected class, or retaliation based on a protected activity, is encouraged to report it to any supervisor, manager, Department Director, Officer, or any Executive or Department Human Resources representative and/or make an anonymous or named complaint to the Integrity Unit in the Office of the City Auditor.

An employee is not required to follow the "chain of command" when reporting harassment, discrimination or retaliation, but instead may file a complaint directly with the Director of Human Resources or the Employee Relations Division.

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Reporting and Accepting Complaints Continued

Retaliation Prohibited:

The City prohibits the taking of any adverse employment action against an employee who, in good faith, reports discrimination, harassment, or retaliation; files a complaint regarding a law, policy, practice or procedure; testifies, assists or participates in an investigation, proceeding, or hearing; or exercises rights or avails themselves of any benefit authorized under the personnel policies, such as filing a worker's compensation claim, requesting Family and Medical Leave (FML), or requesting military leave.

Investigations

Administrative Bulletin 95-01-Departmental Personnel Action and Employee Relations Protocols (does not apply to sworn personnel)

Corporate HRD must be notified of allegations involving discrimination, harassment, or sexual harassment, drugs, alcohol, theft or violence at the onset of the investigation.

Draft Investigation Procedure:

- Guide for Citywide Investigations, including responsibilities of HRD, Department HR, management and employees.
- Ensure well-documented, thorough, objective and consistent investigation reports.

