



Agenda Report

18-827

Agenda Date: 6/26/2018

REPORT TO COUNCIL

SUBJECT

City policies and practices regarding harassment prevention training for employees, elected officials, and appointed members of boards and commissions

BACKGROUND

On May 16, 2018, Council Member O'Neill asked staff to provide information to Council and the public regarding the City's harassment prevention policies and training and their effectiveness.

DISCUSSION

The City is considered a large employer for purposes of federal and state anti-discrimination and harassment laws. The City complies with these laws in primarily three ways:

- Maintaining a Harassment Prevention Policy
- Providing a Complaint Procedure, and
- Training its employees and officials

Policy and Complaint Procedure:

City Manager Directive 131, Equal Employment Opportunity (EEO) Policy and Discrimination Complaint Procedure, is the City's policy that describes what types of conduct are not tolerated and how to complain if the conduct occurs. This policy protects employees from inappropriate conduct by other employees, officials, volunteers, contractors and visitors to the City. It affirms the City's existing and long term commitment to assure equal employment opportunity to all persons regardless of race, sex, color, religion, religious creed, national origin, ancestry, age, gender, marital status, physical disability, mental disability, medical condition, genetic information, sexual orientation, gender expression, gender identity, or military and veteran status as required by law; to offer employment and employment advancement to all persons on the basis of merit and job-related knowledge, skills and abilities; and to provide a workplace free of unlawful discrimination or harassment. The policy specifies that harassment, discrimination and retaliation are not tolerated in the workplace. All employees review and acknowledge this policy at hire and when retrained.

This policy is periodically reviewed and updated to reflect changes in the law. The most recent update was in April 2017.

The policy describes the complaint process, and provides information regarding outside agencies (Equal Employment Opportunity Commission (federal) and the Department of Fair Employment and Housing (state)) that investigate complaints if the employee wishes to make their complaint to those agencies directly. The City accepts both verbal and written complaints of harassment, discrimination and retaliation. While a written complaint is not necessary, a form is available at the Human Resources Department and on the City's shared computer drive. Once a complaint is received, it is

reviewed by the City's EEO Officer (the Assistant Director of Human Resources) who will investigate and take immediate corrective action, where appropriate.

Training:

The City provides training to all employees (full and part time) and to local agency officials at the following intervals:

- At hire: harassment prevention and anti-bullying training for all employees
 - Non-supervisory employees (full and part time) participate in a one-hour training and review and acknowledge their receipt and understanding of CMD 131
 - Supervisory employees participate in an online interactive two-hour training and review and acknowledge their receipt and understanding of CMD 131
- Every two years:
 - Supervisory employees repeat the online interactive two-hour training (Government Code § 12950.1)
 - Local agency officials who receive compensation, salaries or stipends participate in the online interactive two-hour training within the first six months of taking office and every two years thereafter, and review and acknowledge CMD 131 every two years (Government Code § 53237.1)
- Periodically:
 - non-supervisory employees receive refresher training even though this is not required by state law
 - as part of corrective action based upon conduct

Human Resources staff and the EEO Officer regularly review completion rates for the required training and remind employees and their supervisors when training must be completed. The City's completion rate for supervisor training is currently at 92%. The Human Resources Department also reviews efficacy of its training by logging discrimination and harassment complaints and their results. Since June 2006, the City has received 36 EEO-related complaints, six of which were sustained or partially sustained.

Harassment Prevention Training for Local Agency Officials:

State law does not require training to local agency officials who do not receive compensation, salaries, or stipends (i.e., members of boards and commissions). If the Council intends to require that members of City boards and commissions participate in harassment prevention training at appointment and regular intervals, similar to that required of officials who do receive compensation, then staff recommends that Council direct staff in Fall 2018 to return to Council with a policy for requiring such training, as well as a training program.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

Training for employees and local agency officials who receive compensation is already assumed in

the Human Resources Department budget. If other training is required of boards and commission members, the fiscal impact could be \$1,000 if they participate in the same two-hour online interactive training that Council Members, or free if they participate in one-hour online training offered through the City's excess insurance provider, CSAC. Live training costs typically range from \$1,500 to \$5,000 depending on length, number of participants, and consultant rates.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

Reviewed by: Julia Hill, Interim Director, Human Resources

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. City Manager Directive 131, Equal Employment Opportunity (EEO) Policy and Discrimination Complaint Procedure