

**Sacramento Area Council
of Governments' Equal
Employment Opportunity
and Harassment,
Discrimination and
Retaliation Prevention
Policy**

EQUAL EMPLOYMENT OPPORTUNITY AND HARASSMENT, DISCRIMINATION AND RETALIATION PREVENTION

A. POLICY

SACOG is an equal opportunity employer. SACOG is committed to providing an inclusive work environment that is free of harassment, discrimination, retaliation, and disrespectful, or other unprofessional conduct based on sex (including pregnancy, childbirth, breastfeeding or related medical conditions), race, religion (including religious dress and grooming practices), color, gender (including gender identity and gender expression), national origin (including language use restrictions and possession of a driver's license), ancestry, physical or mental disability, medical condition, genetic information, marital status, registered domestic partner status, age, sexual orientation, military and veteran status, or any other basis protected by federal, state or local law or ordinance or regulation.

SACOG also prohibits discrimination, harassment, disrespectful or unprofessional conduct based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

SACOG prohibits retaliation against individuals who raise complaints of discrimination or harassment or who participate in workplace investigations.

All such conduct violates SACOG policy.

B. COMMITMENT TO DIVERSITY

SACOG values diversity and believes that a range of backgrounds brings a variety of ideas, perspectives and experiences that contribute to an innovative and collaborative environment in which talents are fully utilized, uniqueness is valued, and SACOG's objectives are met. SACOG is committed to building a culturally diverse workplace. Women, minorities, individuals with disabilities, members of the LGBTQ community, and veterans are encouraged to apply.

C. HARASSMENT PREVENTION

SACOG's policy prohibiting harassment applies to all persons involved in the operation of SACOG, including members and alternates of the Board of Directors, and members of advisory committees. SACOG prohibits harassment and disrespectful or unprofessional conduct by any employee of SACOG, including supervisors, managers and co-workers. SACOG's anti-harassment policy also applies to board members and alternates, advisory committee members, vendors, customers, independent contractors, interns, volunteers, persons providing services pursuant to a contract, and other persons with whom you come into contact while working.

Prohibited harassment, disrespectful or unprofessional conduct includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, comments, posts or messages;
- Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;

- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis;
- Threats and demands to submit to sexual requests or sexual advances as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors;
- Retaliation for reporting or threatening to report harassment; and
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law or by SACOG policy.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

Prohibited harassment is not just sexual harassment, but harassment based on any category protected by federal, state or local law, ordinance, or regulation.

State Law requires elected officials, supervisors and all employees to receive regular training about prohibited harassment.

D. NON-DISCRIMINATION

SACOG is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in SACOG operations. SACOG prohibits unlawful discrimination against any job applicant, employee or unpaid intern by any board member and alternate, advisory committee member, or employee of SACOG, including supervisors and coworkers.

Pay discrimination between employees of the opposite sex performing substantially similar work, as defined by the California Fair Pay Act and federal law, is prohibited. Pay differentials may be valid in certain situations defined by law, including seniority systems, merit systems, systems that measure quality or quantity of production; or, a “bona fide factor” other than sex, race, or ethnicity such as education, training, or experience. Employees will not be retaliated against for inquiring about or discussing wages.

E. ANTI-RETALIATION

SACOG will not retaliate against you for filing a complaint or participating in any workplace investigation and will not tolerate or permit retaliation by management, employees or co-workers.

F. REASONABLE ACCOMMODATION

Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, SACOG will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

If you require an accommodation to perform the essential functions of the job, you should contact the Deputy Executive Director of Operations and discuss the need for an accommodation. SACOG will engage in an interactive process with you to identify possible accommodations, if any, that will help you perform the job. If you require an

accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles), you should also contact the Deputy Executive Director of Operations and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, SACOG will make the accommodation.

SACOG will not retaliate against you for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by management, employees or co-workers.

G. COMPLAINT PROCESS

REPORTING

If you believe that you have experienced harassment, discrimination, retaliation, or other prohibited conduct, bring your complaint to the Deputy Executive Director of Operations or Executive Director as soon as possible after the incident. You may bring your complaint to any of these individuals. You may also make a report to SACOG's third-party reporting hotline, which will be posted in SACOG's offices.

THIRD-PARTY REPORTING

www.lighthouse-services.com/sacog or 833-270-0003 or reports@lighthouse-services.com (must specify SACOG in report) or fax: (215) 689-3885 (must specify SACOG with report)

If you need assistance with your complaint, or if you prefer to make a complaint in person, contact one of these individuals. Please provide all known details of the incident or incidents, names of individuals involved, and names of any witnesses. It would be best to communicate your complaint in writing, but this is not required.

SACOG encourages all individuals to report any incidents of harassment, discrimination, retaliation, or other prohibited conduct forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

You also should be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment, discrimination, and retaliation in employment. If you think you have been harassed or discriminated against or that you have been retaliated against for resisting, complaining, or participating in an investigation, you may file a complaint with the appropriate agency. The nearest office can be found by visiting the agency websites at www.dfeh.ca.gov and www.eeoc.gov.

Supervisors must refer all complaints involving harassment, discrimination, retaliation, or other prohibited conduct to the Deputy Executive Director of Operations so that SACOG can try to resolve the complaint.

INVESTIGATION

When SACOG receives a complaint covered by this policy, the Deputy Executive Director of Operations, or Executive Director will immediately undertake a fair, timely, thorough and objective investigation of the allegations in accordance with all legal requirements. SACOG will reach reasonable conclusions based on the evidence collected. If the Deputy Executive Director of Operations is unable to conduct a fair, timely, thorough and objective investigation, SACOG may hire a third-party to conduct the investigation.

SACOG will maintain confidentiality to the extent possible. However, SACOG cannot promise complete confidentiality. The employer's duty to investigate and take corrective action may require the disclosure of information to individuals who need to know.

Complaints will be:

- Responded to in a timely manner
- Kept confidential to the extent possible
- Investigated impartially by qualified personnel in a timely manner
- Documented and tracked for reasonable progress
- Given appropriate options for remedial action and resolution
- Closed in a timely manner
- Something about results communicated to party who came forward

INVESTIGATION OF COMPLAINTS AGAINST MEMBERS OF THE BOARD OF DIRECTORS

When SACOG receives a complaint covered by this policy against a member or alternate of the Board of Directors, the Executive Director will immediately undertake a fair, timely, thorough and objective investigation of the allegations in accordance with all legal requirements. SACOG will reach reasonable conclusions based on the evidence collected. If the Executive Director is unable to conduct a fair, timely, thorough and objective investigation, SACOG may hire a third-party to conduct the investigation.

SACOG will maintain confidentiality to the extent possible. However, SACOG cannot promise complete confidentiality. The employer's duty to investigate and take corrective action may require the disclosure of information to individuals who need to know.

RESOLUTION OF COMPLAINTS AGAINST STAFF

If SACOG determines that harassment, discrimination, retaliation, or other prohibited conduct has occurred, appropriate and effective corrective and remedial action will be taken in accordance with the circumstances involved. SACOG also will take appropriate action to prevent future misconduct.

Any employee determined by SACOG to be responsible for harassment, discrimination, retaliation, or other prohibited conduct will be subject to appropriate disciplinary action, up to, and including termination. Employees should also know that if they engage in unlawful harassment, they can be held personally liable for the misconduct.

RESOLUTION OF COMPLAINTS AGAINST MEMBERS OF THE BOARD OF DIRECTORS

Any investigations that conclude a member or alternate of the Board of Directors is responsible for harassment, discrimination, retaliation, or other prohibited conduct will be referred to the Strategic Planning Committee. The Strategic Planning Committee may choose to remove a member from any assigned committees/appointments, issue a public censure, and/or contact the appointing body with the results of the investigation. Board members and alternates should also know that if they engage in unlawful harassment, they can be held personally liable for the misconduct.

RESOLUTION OF COMPLAINTS AGAINST ADVISORY COMMITTEE MEMBERS

Any investigations that conclude a member of an advisory committee is responsible for harassment, discrimination, retaliation, or other prohibited conduct will be referred to the Executive Director. The Executive Director may choose to prohibit an individual from serving on committees at SACOG. If the member is an employee or appointee of another organization, the Executive Director may contact the appointing body with the results of the investigation and/or request the organization appoint a different individual. Advisory committee members should also know that if they engage in unlawful harassment, they can be held personally liable for the misconduct.