

**City of Gretna's Policy Against Sexual and Other Forms of Harassment**

It is the policy of the City of Gretna to maintain a working environment that is free from harassment of any type or form, including sexual harassment, racial or ethnic harassment, gender harassment, religious harassment, disability harassment, age harassment and any other offensive or objectionable harassment. The City will not tolerate any offensive, intimidating, coercive, or hostile conduct.

Sexual harassment shall not be tolerated by the City of Gretna. All claims of sexual harassment shall be thoroughly investigated and any violation of this policy shall be subject to full disciplinary action up to and including termination. The harasser(s) and the victim(s) may both be employees of our office and/or one may be from outside the office. In any case, all sexual harassment situations must be reported immediately.

**Defining Sexual Harassment:**

1. Sexual harassment is a form of sex discrimination that violates **Title VII of the Civil Rights Act of 1964**. The EEOC provides guidelines prohibiting **sexual harassment** in the workplace. These guidelines state that unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  - (a) Submission is made either explicitly or implicitly a term or condition of employment;
  - (b) Submission to or rejection of a sexual invitation is used as the basis for employment decisions; or
  - (c) Sexual advances or request for sexual favors has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
2. Sexual harassment includes, but is not limited to the following: Unwelcome or unwanted sexual advances; request or demands for sexual favors, pressure, or requests for any type of sexual favors accompanied by an implied or stated promise or suggestion of preferential treatment or negative consequence concerning one's job status; verbal, physical or inappropriate conduct of a sexual nature, sexual slurs, joking or kidding that is sexually oriented; intimidating, hostile, or offensive remarks, suggestions, gestures, requests, demands or physical touching; overly familiar or offensive touching, either directed at someone or made in his or her presence; remarks about someone's anatomy, or comments involving demeaning sexual stereotypes; any display of or reference to sexually explicit pictures, videos, actions or objects, when the conduct explicitly or implicitly affects an individual's employment or the holding of office, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

3. Sexual harassment refers to behavior that is unwelcomed, personally offensive, fails to respect the rights of others, lowers morale, or interferes with work effectiveness. This definition is not intended to be all-inclusive of actions considered to constitute sexual harassment.
4. Although all complaints of sexual harassment shall be investigated, for disciplinary action to be taken, sexual harassment must be sufficiently severe or pervasive to alter the conditions of the victim's employment and/or create a hostile, intimidating or offensive work environment.
5. Although the most common form of sexual harassment is the demand for sexual favors, sexual harassment can take on many different forms. Other forms of harassment include, but are not limited to; sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, sexually suggestive objects, pictures, graphics, GIFs, memes, posts, commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures, and unwanted physical contact. Widespread favoritism in the workplace of a paramour or friend based on the granting of sexual favors may create an illegal hostile work environment. Intimate relationships between supervisors and subordinate employees are prohibited and shall be reported to the Mayor with a copy to Human Resources.

### **Procedures for Reporting Harassment**

1. Written Notice of a sexual harassment claim shall be submitted as soon as possible. Notice can be from the victim or an observer.
2. Notice shall be submitted to Human Resources Director or the Mayor. The Mayor or Human Resources or their designee will lead the investigation.
3. Notice does not have to be given to an immediate supervisor; however, notice does need to be given to Human Resources. Any complaint given to an immediate supervisory shall be promptly forwarded to Human Resources for investigation.
4. Provide written notice which includes the following:
  - (a) Name of Complainant(s);
  - (b) Name of Offender(s); and
  - (c) A description of the incident, action, policy, etc. which initiates this claim for noncompliance of the City's stated policies. Include date(s), day(s), time(s) of day, location(s), witness(es) name(s), number of occurrences, the nature of the harassment, the effect of the harassment on the claimant(s) working environment, and any other relevant information regarding the situation(s).

5. Provide all information and documentation, including but not limited to emails, voice recording, notes, texts, etc.
6. Human Resources will discuss the violation with claimant/victim for further clarification and documentation, if necessary. An investigation of the claim will be conducted as soon as practicable by Human Resources, the Mayor or their designees. Parties involved and any designated witnesses will be interviewed as soon as practicable, following receipt of the claim. Interviews will be documented and kept in a confidential file created for each claim. Results of the investigation will be reported to the Mayor. In addition, final determination will be communicated to appropriate parties. Documentation of the outcome will be made and placed in a confidential file. Final appeal can be made to the Council-Man-At Large and 2 council member designees.
7. The City of Gretna will not tolerate reprisal or retaliation against any party involved in any complaint or investigation. Such action will be grounds for discipline up to and including termination. See Retaliation Prohibited.

#### **Investigation Procedures by Human Resources or Designees**

1. Investigations of any alleged form of harassment or discrimination will be conducted as soon as practicable by members of Human Resources or the Mayor or their designee. The Mayor and/or Human Resources are authorized to request the assistance of the City Attorney, or outside counsel, in connection with any investigation.
2. For further clarification and documentation, if necessary, interviewing all parties involved and any named witness(es) will begin as soon as practicable, following receipt of the claim.
3. A statement from each person interviewed will be documented. These persons include, but are not limited to, alleged harasser(s), victim(s), or witness(es).
4. Interviews will be documented and kept in a confidential file created for each claim.
5. Upon completion of the investigation, results of the investigation will be communicated timely to the Mayor, complainant(s) and the alleged harasser(s) even though the results may be inconclusive.
6. Documentation of the outcome, regardless of the conclusion, will be kept in a confidential file.

7. Discretion will be used while investigating and remedying sexual harassment claims and all reasonable efforts are made to prevent disclosure of an on-going or pending investigation. Complaints will be reviewed on a case-by-case basis.
8. All investigations will be handled in a reasonably prompt and confidential manner. Certain individuals, in addition to the complainant and alleged harasser, may need to be interviewed regarding the sexual harassment complaint. The importance of confidentiality will be explained to the parties involved to ensure as much privacy as possible, however, depending upon the factual circumstances complete privacy may not be possible.
9. Any and all records maintained in a sexual harassment investigation are confidential, and access to these records is limited to those who need the records for official use with permission from the Mayor.
10. Sexual harassment, whether experienced or observed personally or reported by another person, must be addressed. In the eyes of the law, supervisors and managers represent the City. Employers are liable when a supervisor uses their vested authority to commit "quid pro quo" harassment, making submission to a sexual invitation a term or condition of employment or the basis for employment decisions.

### **Possible Disciplinary Actions**

1. Any violation of this policy which is validated or sustained, shall be subject to full disciplinary action up to and including termination.
2. Based on the evidence, the nature, gravity and extent of the offense, disciplinary action may be taken, ranging from reprimand, additional training, corrective action and up to and including termination.
3. If the investigation is inconclusive or if it is determined that there has been no violation of policy, but potentially problematic conduct may have occurred, the Mayor and/or Human Resources may recommend appropriate training and/or other preventative or corrective action.

### **Retaliation Prohibited**

No hardship, loss, benefit, or penalty may be imposed against any employee or any other individual in response to:

1. Filing or responding to a bona fide complaint of discrimination or harassment,
2. Appearing as a witness in an investigation of a complaint, or
3. Serving as an investigator of a complaint.

Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status.

### **Possible Disciplinary Actions for False, Groundless or Malicious Complaints**

The filing of any groundless or malicious complaint is an abuse of this policy and will be treated as a violation of this Policy. Any person who is found to have violated this aspect of the policy will be subject to discipline including appropriate training, and/or other preventative or corrective action, but up to and including termination.

### **Posting**

City of Gretna's sexual harassment policy is posted on the City 's website.

### **Notice & Reporting**

Beginning February 15, 2021 and annually thereafter, a report will be delivered to the Mayor as required by RS 42:344 (A). This report shall contain information from the previous calendar year regarding the City of Gretna's compliance with the requirements including the number and percentage of City of Gretna employees who have completed the training requirements, the number of sexual harassment complaints received by the city, the number of complaints which resulted in a finding that sexual harassment occurred, the number of complaints in which the finding of sexual harassment resulted in discipline or corrective action, and the amount of time it took to resolve each complaint. These reports shall be public record and available to the public in the manner provided by the Public Records Law.

### **State and Federal Claims**

Regardless of the outcome of the City of Gretna's investigation, complainants have the right to pursue a claim under State or Federal law.

Louisiana Commission on Human Rights:

Louisiana's Employment Discrimination Law (LEDL), R.S. 23:332, prohibits employers with 20 or more employees working within the State from intentionally discriminating with respect to sex, which includes sexual harassment. A complaint alleging violation of the LEDL may be filed with the Louisiana Commission on Human Rights (LCHR) or in the district court.

Complaints must be filed with the LCHR within 180 days from the last alleged act involving discrimination.

Complaints must be filed in court within 1 year from the last alleged incident of discrimination.

Complaining internally to the City of Gretna does not extend your time to file with the LCHR or in court.

You do not need an attorney to file a complaint with LCHR, and there is no cost to file with LCHR.

LCHR will screen your claim to determine if it meets its guidelines. If your claim meets guidelines, LCHR will send you an acceptance letter. If you return the form in the specified time, an LCHR intake officer will review all documents to determine eligibility. If eligibility is approved, you will be assigned an investigator for merit determination and recommendation. After a determination is established, a copy of the determination will be submitted to you and to the respondent. In cases of employment discrimination, LCHR will send a copy of the determination to the Equal Employment Opportunity Commission (EEOC). Remedies available for employment discrimination may include back pay, promotion, front pay, reinstatement and reasonable accommodations. If LCHR finds "no violation of statute" and subsequent review by the EEOC, a "right to sue" will be issued.

LCHR's main office contact information is: Office of the Governor/Louisiana Commission on Human Rights/1001 N. 23rd Street/Baton Rouge, LA 70802.

Contact LCHR at (225) 342-6969 ((888)-248-0859 (TDD)) or visit <https://gov.louisiana.gov/page/lchr> for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, and mailed to LCHR at the Office of the Governor/Louisiana Commission on Human Rights/P.O. Box 94094/Baton Rouge, LA 70804.

United States Equal Employment Opportunity Commission (EEOC). The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000, et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings nor award any relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov). The EEOC New Orleans District Office is located at 701 Loyola Avenue, Suite 600/New Orleans, LA 70113 (504) 589-2329 ((504) 589-2958 (TTY)).