

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE  
ORLAND-ARTOIS WATER DISTRICT**

**RESOLUTION NO. 2016-05**

**ESTABLISHING THE DISTRICT HARASSMENT,  
DISCRIMINATION AND RETALIATION PREVENTION POLICY**

WHEREAS, California employers must comply with the California Fair Employment and Housing Act (FEHA, codified as Government Code section 12900 *et seq.*), which prohibits harassment and discrimination in employment because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, medical condition, or age;

WHEREAS, the Department of Fair Employment and Housing (DFEH) has been charged with protecting Californians from employment, housing and public accommodations discrimination and hate violence pursuant to FEHA and federal civil rights laws;

WHEREAS, DFEH has issued new FEHA regulations that clarify, among other things, an employer's already-existing obligation to prevent and promptly correct discriminatory and harassing conduct in the workplace, which includes the creation of a detailed written policy for the prevention of harassment, discrimination and retaliation that complies with the requirements of the California Code of Regulations, title 2, section 11023; and

WHEREAS, the Orland-Artois Water District's Board of Directors previously has adopted a written policy that addresses discrimination issues and now desires to amend its policy to comply with DFEH's new FEHA regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Orland-Artois Water District as follows:

1. Adoption of Policy. The Board of Directors hereby adopts the District Harassment, Discrimination and Retaliation Prevention Policy, attached hereto and incorporated herein by reference.

2. Superseder. This Resolution supersedes section 7.12 of the Orland-Artois Water District Employee Handbook and repeals all prior inconsistent District ordinances, resolutions, policies, rules and regulations concerning the subject matter of this resolution.

PASSED AND ADOPTED at a Meeting of the Board of Directors of the Orland-Artois Water District at Orland, California, this 21<sup>st</sup> day of June, 2016.

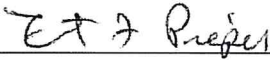
AYES:

NOES:

ABSENT:

ABSTAIN:

Signed:

  
\_\_\_\_\_

Ernie Pieper  
Vice-President, Board of Directors

Attest:

  
\_\_\_\_\_

Emil Cavagnolo  
General Manager/Secretary

**Orland-Artois Water District**  
**Harassment, Discrimination and Retaliation Prevention Policy**

Adopted June 21, 2016

Orland-Artois Water District (OAWD) is an equal opportunity employer. OAWD is committed to providing a work environment 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 issued under Vehicle Code section 12801.9), 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. It 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.

In addition, OAWD prohibits retaliation against individuals who raise complaints of discrimination or harassment or who participate in workplace investigations.

**All such conduct violates District policy.**

**Harassment Prevention**

This harassment prevention policy applies to all persons involved in the operation of the District. OAWD prohibits harassment, disrespectful or unprofessional conduct by any employee or officer of the District, including directors, supervisors, and managers. This policy also applies to District vendors, customers, independent contractors, unpaid interns, and volunteers, including persons providing services to the District 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 District 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 the protected

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categories identified above.

**Non-Discrimination**

OAWD is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in District operations. OAWD prohibits unlawful discrimination against any job applicant, employee or unpaid intern by any employee of the District, including supervisors and managers.

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. Employees will not be retaliated against for inquiring about or discussing wages. However, OAWD is not obligated to disclose the wages of an employee to another employee.

**Anti-Retaliation**

OAWD 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.

**Reasonable Accommodation**

Under the Fair Employment and Housing Act and federal law, discrimination can also include an employer's failure to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship on the employer.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, OAWD 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 to the District would result.

Any job applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact a District representative with day-to-day personnel responsibilities and discuss the need for an accommodation. OAWD will engage in an interactive process with the employee to identify possible accommodations, if any, which will help the applicant or employee, perform the job. An applicant, employee or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should also contact a District representative with day-to-day personnel responsibilities and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, OAWD will make the accommodation.

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

**Complaint Process**

- (a) If an employee, officer, applicant or service provider believes that he or she has

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been unlawfully harassed, or if an individual is aware of or suspects the occurrence of unlawful harassment, the individual should provide a written complaint to his or her supervisor, another District supervisor, the General Manager, or Board President as soon as possible after the incident. The District encourages the reporting of incidents of harassment forbidden by this policy immediately so that complaints can be resolved quickly and fairly. In addition, when feasible, a victim of harassment is urged to confront the harasser and demand that the harassment cease.

- (b) A complaint should include the following information: (a) name of complainant; (b) name or names of alleged harasser(s); (c) nature of harassment, with specific explanations and examples; (d) name or names of any witnesses; any (e) supporting documents; and relevant dates and times. All complaints will be treated seriously. Supervisors must refer all harassment complaints to the General Manager, unless the General Manager is the alleged harasser, in which case the complaint shall be referred to the Board President. The District will not retaliate against a complainant for filing a complaint, and will not tolerate or permit retaliation by other employees or co-workers.
- (c) The District will immediately undertake an effective, fair, timely, thorough and objective investigation of the harassment allegations. The investigation will be conducted confidentially. All interviews of witnesses and parties will be conducted in private. The investigator will attempt to identify and interview all persons involved, including the complainant, all possible witnesses, and the alleged harasser. The interviewer will take notes of all interviews.
- (d) If the District determines that unlawful harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee, officer, contractor, consultant or vendor determined by the District to be responsible for unlawful harassment will be subject to appropriate disciplinary action according to the nature and severity of the offense, and any prior record of discipline. The range of disciplinary action includes verbal or written reprimand, censure, suspension without pay, demotion, probation, discharge from employment, and, for contractors, consultants and vendors, termination, cancellation or suspension of its contract. The District will advise the complainant of the results of the investigation.

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](http://www.dfeh.ca.gov) and [www.eeoc.gov](http://www.eeoc.gov).

When OAWD receives allegations of misconduct, it will immediately undertake a fair, timely, thorough and objective investigation of the allegations in accordance with the Complaint Process set forth above and all legal requirements. OAWD will reach reasonable conclusions based on the evidence collected.

OAWD will maintain confidentiality to the extent possible. However, OAWD cannot promise complete confidentiality. The employer's duty to investigate and take corrective

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action may require the disclosure of information to individuals with a need to know.

As noted above, any employee determined by OAWD 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.

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**Confirmation of Receipt of Harassment, Discrimination and Retaliation  
Prevention Policy**

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I have received my copy of the OAWD Harassment, Discrimination and Retaliation Prevention Policy. I understand and agree that it is my responsibility to read and familiarize myself with this policy.

I understand that OAWD is committed to providing a work environment that is free from harassment, discrimination and retaliation. My signature certifies that I understand that I must conform to and abide by the rules and requirements described in this policy.

Employee's Signature \_\_\_\_\_

Employee's Printed Name \_\_\_\_\_

Date \_\_\_\_\_