

**ORIGINAL**

ORDINANCE 2012 - 08

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF SUNNYSIDE, WASHINGTON,  
ADOPTING A HUMAN RESOURCE POLICY  
REGARDING ANTI-HARASSMENT & NEPOTISM**

**WHEREAS**, the City of Sunnyside is currently developing and/or revising a series of human resource policies for review and consideration by the City Council; and

**WHEREAS**, given the City's commitment to ensuring a workplace free of illegal harassment or discrimination, the timely adoption of an Anti-Harassment & Nepotism policy will promote the general health, safety and welfare;

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:**

**Section 1.** That the City Council of the City of Sunnyside hereby adopts the Anti-Harassment and Nepotism policies, attached hereto as Exhibit 'A'; and

**Section 2.** Said Anti-Harassment and Nepotism policies and any amendment thereto shall be included in all future comprehensive Human Resource Policies of the City of Sunnyside as adopted by the City Council; and

**Section 3.** This ordinance shall be effective five days after passage, approval and publication by law.

**PASSED** this 2<sup>nd</sup> day of April, 2012.

  
\_\_\_\_\_  
MIKE FARMER, MAYOR

**ATTEST:**

  
\_\_\_\_\_  
DELILAH SAENZ, CITY CLERK

APPROVED AS TO FORM:



---

BETH KENNAR  
ATTORNEY APPOINTED BY WCIA

EXHIBIT "A"

**Anti-Harassment - Policy No. 1020:**

**PURPOSE:** TO ESTABLISH A HUMAN RESOURCE POLICY TO DEFINE ETHICS, STANDARDS & PERSONAL ACTIVITIES.

1020.01 Allegations of discrimination and unlawful harassment will be taken seriously by the City of Sunnyside and will be investigated promptly. The City is committed to providing a workplace free of discrimination and unlawful harassment. Discrimination and unlawful harassment in any form will not be tolerated by the City of Sunnyside.

1020.02 Harassment consists of unwelcome conduct, and can take many forms, including slurs, comments, jokes, innuendoes, unwelcome compliments, pictures, cartoons, pranks or other verbal or physical conduct that is based on an individual's protected status (e.g., race, sex, disability) and that:

- .1. has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- .2. has the purpose or effect of unreasonably interfering with an individual's work performance; or
- .3. otherwise unreasonably affects an individual's employment opportunity.

1020.03 Sexual harassment is one form of prohibited harassment and occurs when the conduct described above is sexual in nature or is gender-based; that is, directed at a person because of their gender. Such offensive or objectionable behavior will reasonably be determined to constitute unlawful sexual harassment when:

- .1. Submission to the conduct is either an explicit or implicit term or condition of employment; or,
- .2. Submission to or rejection of the conduct is used as a basis for employment decisions affecting the recipient; or,
- .3. The conduct has the purpose or effect of interfering with the work performance, or creating an intimidating, hostile or offensive work environment for the recipient of the conduct; or,
- .4. The conduct has the purpose or effect of interfering with the work performance, or creating an intimidating, hostile or offensive work environment for other employees not directly a party to the conduct in question.

1020.04 Sexual harassment conduct may include, but is not limited to, the following types of behavior listed for illustrative purposes:

- .1. Using one's position of authority to either implicitly or explicitly coerce an employee into complying with sexual favors.
- .2. Unwanted touching, fondling, hugging, patting, pinching, or kissing.
- .3. Questions or comments about a person's lifestyle or sexual orientation.
- .4. Personal comments about a person's body or appearance.
- .5. Jokes with sexual overtones or jokes about sexual orientation.
- .6. Conversations with sexual innuendo and double meanings.
- .7. Making unwanted comments like "sweetie, honey, doll, baby, stud, hunk, macho, etc." or derogatory comments like "queer, faggot, dyke, etc."
- .8. Displaying sexually suggestive pictures or objects in the workplace.

EXHIBIT "A"

- .9. Writing sexually oriented or derogatory comments on posters, pictures or documents in the workplace including material posted on informational bulletin boards.
  - .10. Defacing structures, vehicles, or equipment with sexually oriented or derogatory comments.
  - .11. Leering (suggestive or lustful) or ogling (provocative) in a sexually demeaning manner.
  - .12. Gesturing and making lewd (suggestive, indecent) motions with one's body.
  - .13. Laughing at, ignoring or not seriously considering the concern of an employee who experiences sexual harassment.
  - .14. Continuing unacceptable behavior after a co-worker has objected to it.
- 1020.05 All employees have a responsibility to conduct themselves in a professional, respectful and business-like manner at all times in the workplace and to positively contribute to providing a work environment free from discrimination and unlawful harassment. In addition, employees who observe discrimination or unlawful harassment in the workplace have an obligation to promptly report such conduct to their supervisor, Department Director, a Human Resources Officer or the City Manager.
- 1020.06 An employee who believes that he or she is being harassed by a supervisor, co-worker, customer or contractor should speak directly to the offender firmly that their behavior is unacceptable, against policy and is unwanted. If the employee is uncomfortable with speaking directly to the offender, the offensive behavior persists, or the offender is the employee's supervisor, the employee should communicate directly with their Department Director, Human Resources or the City Manager.
- .1. If the person accused of harassing the subordinate employee is the City Manager, the employee should bring their complaint to the Deputy City Manager, the City Attorney or the Mayor.
- 1020.07 A supervisor or Department Director who is notified of harassment will promptly notify Human Resources.
- 1020.08 Human Resources is responsible for conducting an investigation of the complaint or delegating the investigation to an appropriate party. The investigation may include, but is not limited to, any or all of the following:
- .1. Interviews with the parties involved.
  - .2. Interviews with other persons who may have knowledge of or who may have observed the alleged conduct.
  - .3. Interviews with persons who may have a working relationship with the accused person.
  - .4. Other means determined necessary to conduct the investigation.
- 1020.09 All complaints will be investigated thoroughly and promptly. To the extent possible and consistent with applicable law, complaints will be handled confidentially. Refusal to cooperate in an investigation will be grounds for discipline up to and including termination.
- 1020.10 Following the investigation, if an employee is found to have discriminated or illegally harassed an employee, customer or other person having business with the City of Sunnyside, the employee will be subject to corrective action/discipline or other appropriate sanctions. Corrective action/discipline could include termination of employment.
- 1020.11 An employee who is found to have deliberately made false sexual harassment allegations

## EXHIBIT "A"

against another co-worker or other person having business with the City of Sunnyside will be subject to disciplinary action or other appropriate sanctions. Corrective action/discipline action could include termination of employment.

- 1020.12 The City strictly prohibits retaliation or adverse action against employees because of their good faith report of harassment or participation in the investigation of alleged harassment. Individuals involved in any form of retaliatory conduct will be subject to corrective action/discipline or other appropriate sanctions. Corrective action/discipline could include termination of employment.

### **Nepotism - Policy No. 1029:**

**PURPOSE:** TO ESTABLISH A POLICY REGARDING NEPOTISM DURING EMPLOYMENT WITH THE CITY OF SUNNYSIDE.

- 1029.01. A person will not be hired or appointed as a regular, temporary/seasonal, or project employee under any of the following circumstances:
- .1 Where one employee would have the authority or power to supervise, appoint, remove or discipline a family member, or effective power to recommend such action.
  - .2 Where an employee would be responsible for auditing, adjusting and/or modifying the work of a family member.
  - .3 Where other circumstances might lead to an actual or reasonable potential conflict of interest among two family members or between the interest of one or both of the family members and the best interests of the City of Sunnyside.
- 1029.02. A family member will be defined as domestic partner, father, mother, brother, sister, son, daughter, spouse, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, brother-in-law, sister-in-law, mother-in-law, and father-in-law. Stepparents or stepchildren will be considered the same as natural parents or children.
- 1029.03. Promotion, transfer, or other employment actions shall not be approved in violation of this policy. If marriage or other familial changes result in a violation of this policy, one of the affected employees must be transferred as soon as reasonably possibly after the relationship is established or becomes known. If there is no open position allowing for a transfer, one of the employee's employment will be terminated.
- 1029.04. Employees who violate this policy will be subject to discipline, up to and including termination.