

TO: City of Lock Haven Personnel
FROM: Gregory Wilson, City Manager
DATE: September 8, 2022
RE: Workplace Violence/Hostile Work Environment Policy

The City of Lock Haven will take all reasonable steps to provide a safe and secure work environment for all employees. The City has a **“zero tolerance”** for incidents of workplace violence and will not tolerate acts of Workplace Violence as defined below:

Workplace Violence is defined as those incidents of violence that occur outside of normal job expectations or are not generally expected as part of regular staff duties. The Workplace includes any location, permanent or temporary, where an employee performs any work-related duty, including but not limited to: buildings and surrounding perimeters, parking lots, alternate work locations, including travel to and from work assignments during scheduled and/or response shift reporting.

All concerns should be reported to the Human Resource Office.

Incidents of violence may include but are not limited to the following Prohibited Acts:

- **Physical or verbal threats in person**, by letter or note, telephone, facsimile, or electronic mail; that subjects another individual to extreme emotional distress, **intimidation**, harassment to include sexual harassment, physical injury, attempted robbery, robbery, and destruction of city property.
- **All threats are presumed to constitute a statement of intent to harm.** For purposes of this policy, a threat is defined as any language communication, the possessing, brandishing, or using a weapon or items perceived to be a weapon required or not, by the individual's position while in the work place.
- Serious incidents of workplace violence include but are not limited to:
 - physical assault, rape, murder, bomb threats, or incidents involving the use of a weapon, committing injurious acts motivated by or related to domestic violence or harassment.
- The determining factors in assessing whether an incident constitutes workplace violence include *but not limited to*; the following:
- Individuals witnessing or involved, the relational factors of the action to the workplace, the location of the incident, retaliating against any employee who in good faith reports a violation of this or any other policy.

Policy violations will lead to disciplinary action, up to and including termination. Violent acts of employees occurring outside of the workplace may also constitute grounds for disciplinary action, up to and including termination. In these situations, employees must demonstrate in writing that workplace violence has had an adverse impact on the employee's ability to perform the assigned duties and responsibilities or that it undermined the effective performance of the City of Lock Haven's duties and/or activities.

Hostile Work Environment, Discrimination, Harassment & Sexual Harassment

Objective

The City of Lock Haven strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the City should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees should be able to work and learn in a safe yet stimulating atmosphere. The accomplishment of this goal is essential to the mission of the City of Lock Haven. For that reason, the City of Lock Haven will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, the company will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension or termination of employment.

Prohibited Conduct Under This Policy

The City of Lock Haven, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

Discrimination

It is a violation of the City of Lock Haven's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws. Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

Harassment

The City of Lock Haven prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person working for, or on behalf of, The City of Lock Haven. Verbal taunting (including racial and ethnic slurs) that, in the employee's opinion, impairs his or her ability to perform his or her job is included in the definition of harassment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

Sexual harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under the City of Lock Haven's anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when . . . submission to or rejection of such conduct is used as the basis for employment decisions . . . or such conduct has the purpose or effect of . . . creating an intimidating, hostile or offensive working environment."

There are two types of sexual harassment:

- "Quid pro quo" harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions and better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Examples: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.
- "Hostile work environment," where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for

dates); and verbal abuse or “kidding” that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.

- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and Internet postings; or other form of communication that is sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, noncoercive interactions between employees, including men and women, that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Retaliation

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment.

Complaint Process

The City of Lock Haven will courteously treat any person who invokes this complaint procedure, and the company will handle all complaints swiftly and confidentially to the extent possible in light of the need to take appropriate corrective action. Lodging a complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. Because of the damaging nature of harassment to the victims and to the entire workforce, aggrieved employees are strongly urged to use this procedure. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Confidentiality

The employee assistance program (EAP) offered by National Insurance Services, provides confidential counseling services to City employees that are eligible and enrolled in the City's Life Insurance policy. Individuals wishing to discuss an incident confidentially or seeking information and advice of a personal nature are encouraged to contact the EAP. The role of the EAP in such cases will be limited to personal counseling and treatment for the person who is then an EAP client. Contacting the EAP will not qualify as notification to the City of a potential harassment or discrimination issue (see below complaint procedure for more on how to notify the company of an issue or complaint). EAP information will be provided upon receipt of the City's complaint form or upon receipt of a formal written complaint when received by the City Manager's Office. During the complaint process, the confidentiality of the information received, the privacy of the individuals involved and the wishes of the complaining person will be protected to

as great a degree as is possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of the City's legal obligation to act on the charge and the right of the charged party to obtain information. In most cases, however, confidentiality will be strictly maintained by the company and those involved in the investigation. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law.

Complaint procedure

The City of Lock Haven has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. The City will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. An individual who feels harassed, discriminated or retaliated against may initiate the complaint process by filing a complaint in writing with the Human Resource Office. No formal action will be taken against any person under this policy unless the Human Resource has received a written and signed complaint containing sufficient details to determine if the policy may have been violated. The complainant (the employee making the complaint) may obtain the complaint form from the Human Resource Office. If a supervisor or manager becomes aware that harassment or discrimination is occurring, either from personal observation or because of an employee's coming forward, the supervisor or manager should immediately report it to the Human Resource Office.
2. Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the Human Resource Office will follow up with review of the complaint and follow up with the City's legal counsel.
3. Within five working days of receiving the complaint, the Human Resource Office will notify the person(s) charged [hereafter referred to as "respondent(s)"] of a complaint and initiate the investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
4. During the investigation, the Human Resource Office, together with legal counsel or other administrative employees, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
5. Within 15 business days of the complaint being filed (or the matter being referred to the Human Resource's Office), the Human Resource or other person conducting the investigation will conclude the investigation and create a written report of his or her findings.
6. If it is determined that harassment or discrimination in violation of this policy has occurred, the City Manager will take appropriate disciplinary action. The appropriate action will depend on the following factors: a) the severity, frequency and pervasiveness of the conduct; b) prior complaints made by the complainant; c) prior complaints made against the respondent; and d) the quality of the evidence (e.g., first-hand knowledge, credible corroboration).
7. 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 Human Resource Office may recommend appropriate preventive action.
8. Within five days after the investigation is concluded, the City Manager will meet with the complainant and the respondent separately, notify them of the findings of the investigation, provide a copy of the written report, and inform them of the action being recommended.

9. The complainant and the respondent may submit statements to the City Manager challenging the factual basis of the findings. Any such statement must be submitted no later than five working days after the meeting with the City Manager in which the findings of the investigation are discussed.
10. Within 10 days from the date the City Manager meets with the complainant and respondent, the City Manager will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with other Administrative Staff or Council as deemed appropriate, and decide what action, if any, will be taken. The City Manager will report the City's decision to the complainant, the respondent and the appropriate management assigned to the department(s) in which the complainant and the respondent work. The City Manager's decision will be in writing and will include findings of fact and a statement for or against disciplinary action. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

Alternative legal remedies

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state or federal agencies or the courts. If an employee is dissatisfied with the Human Resource's response to the complaint, s/he may contact the Human Relations Commission by visiting: <http://www.phrc.pa.gov>.

CITY OF LOCK HAVEN SEXUAL HARASSMENT POLICY

It is the policy of the City of Lock Haven that all employees are responsible for ensuring that the workplace is free from sexual harassment. Because of the City of Lock Haven's "zero tolerance" of offensive or inappropriate sexual behavior at work, all employees must avoid any action or conduct which could be viewed as sexual harassment.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually harassing nature, when: (1) submission to the harassment is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of the harassment is used as the basis for employment decisions affecting the individual; or (3) the harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any employee who has a complaint of sexual harassment at work by anyone, including supervisors, co-workers or visitors, should first clearly inform the harasser that his/her behavior is offensive or unwelcome and request that the behavior stop. If the behavior continues, the employee must immediately bring the matter to the attention of his/her supervisor. If the immediate supervisor is involved in the harassing activity, the violation should be reported to the Human Resource.

If a supervisor knows of an incident of sexual harassment, he/she shall take appropriate remedial action immediately. If the alleged harassment involves any types of threats of physical harm to the victim, the alleged harasser may be suspended with pay. During such suspension, an investigation will be conducted by the City of Lock Haven. If the investigation supports charges of sexual harassment, disciplinary action against the alleged harasser will take place and may include termination. If the investigation reveals that the charges were brought falsely and with malicious intent, the charging party may be subject to disciplinary action, including termination.

If an employee is dissatisfied with management's response to his/her complaint, he/she may contact:

Pennsylvania Humans Relations Commission
Harrisburg Regional Office
Riverfront Office Center, 5th Floor
1101-1125 South Front Street
Harrisburg, PA 17104-2515
(717) 787-9780



City of Lock Haven Workplace Violence Report Form

I. CITY OF LOCK HAVEN II. Workplace Violence Report		1. DIVISION	2. UNIT	3. Employee PAYROLL #		
		4. NAME (Last) (First) (M.I.)				
PART I: EMPLOYEE IDENTIFICATION						
WHO	5. JOB TITLE & DEPARTMENT			6. DATE OF BIRTH / /	7. SEX <input type="checkbox"/> 1-MALE <input type="checkbox"/> 2-FEMALE	
	8. WORK ADDRESS (Street)			9. ZIP CODE	10. HOME PHONE ()	11. WORK PHONE ()
	12. SUPERVISOR		13. ADMINISTRATOR		14. WORK ASSIGNMENT <input type="checkbox"/> ROUTINE <input type="checkbox"/> NON-ROUTINE	
	15. WITNESSES: Last First MI Phone #		Job Title (If Applicable)			
	WITNESS#1: ()					
	WITNESS#2: ()					
	WITNESS#3: ()					
	PERPETRATOR INFORMATION					
	16. NAME (Last) (First) (M.I.)			17. DATE OF BIRTH / /	18. SEX <input type="checkbox"/> 1-MALE <input type="checkbox"/> 2-FEMALE	
	19. EMPLOYEE RELATION <input type="checkbox"/> 1-CO-WORKER <input type="checkbox"/> 2-SUPERVISOR		<input type="checkbox"/> 3-CLIENT <input type="checkbox"/> 4-PUBLIC/STRANGER <input type="checkbox"/> 5-SPOUSE	<input type="checkbox"/> 6-SIGNIFICANT OTHER <input type="checkbox"/> 7-FAMILY MEMBER <input type="checkbox"/> 8-FRIEND/ACQUAINTANCE	<input type="checkbox"/> 9-OTHER (Specify)	SS# or Driver's License #
20. ADDRESS			21. ZIP CODE	22. PHONE ()	23. OCCUPATION	
24. CASE HISTORY INFORMATION (If Applicable)						
WHEN	25. DATE OF INCIDENT / /20__	26. TIME OF INCIDENT A.M. P.M.	27. DATE INCIDENT REPORTED	28. TIME INCIDENT REPORTED / /20__	29. USUAL / NORMAL WORK HOURS A.M. P.M.	
	30. ROTATING SHIFT 1- YES 2-NO		31. OVERTIME 1-YES 2. NO	32. SHIFT WORK 1-YES 2-NO		33. DATE OF HIRE / /
	NOTE COMPLETE ONLY ONE SECTION:					
WHERE	34. <input type="checkbox"/> INSIDE	35. ADDRESS / BUILDING NAME		36. EXACT LOCATION AT ADDRESS (Floor, Area, etc.)		
	37. <input type="checkbox"/> OUTSIDE	38. LOCATION /INTERSECTION				
PART II: DESCRIPTION OF INCIDENT (Use additional pages if necessary)						
WHAT AND HOW	39. INCIDENT TYPE 1 -ASSAULT 2- NEAR-MISS 3-THREAT 4-HARASSMENT			SPECIFY: 5-OTHER		40. IOD 1-YES 2-NO
	41. WEAPON <input type="checkbox"/> 1- YES <input type="checkbox"/> 2-NO	42. TYPE / DESCRIPTION OF WEAPON:		43. POLICE CONTACTED <input type="checkbox"/> 1- YES <input type="checkbox"/> 2- NO		44. PROTECTIVE ORDER / COURT DATE 1- YES 2- NO / /
	45. EVIDENCE OF THREAT/ASSAULT/HARASSMENT? 1-YES 2-NO SPECIFY					
	46. DESCRIBE INCIDENT IN DETAIL: <i>WHAT, HOW, WHY</i> ; THREAT (S) OR VIOLENT ACT (S) CONDUCTED BY THE ALLEGED PERPETRATOR PRIOR TO THIS INCIDENT? WHAT SPECIFIC LANGUAGE WAS USED IN THE ASSAULT OR THREAT? (Use additional paper if necessary).					
	47. WORK ASSIGNMENT: PLEASE CHECK THE MOST APPROPRIATE CATEGORY <input type="checkbox"/> A. Routine/Normal <input type="checkbox"/> B. Non-Routine/Special Assignment <input type="checkbox"/> C. Emergency Response/Assignment <input type="checkbox"/> D. Other					
	48. EMPLOYEE SIGNATURE				49. DATE / /20__	