



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2012-0148 Resolution Introduced

Resolution relative to amending the City of West Allis Policies & Procedures Manual No. 1436, Anti-Harassment Policy.

Introduced: 8/7/2012

Controlling Body: Administration & Finance Committee

Sponsor(s): Administration & Finance Committee

COMMITTEE RECOMMENDATION *Adopt*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
AUG - 7 2012			Barczak				
			Czaplewski				
		✓	Lajsic	✓			
			May	✓			
			Probst	✓			
			Reinke				
			Roadt				
			Sengstock	✓			
		Vitale	✓				
		Weigel					
			TOTAL	5	0		

SIGNATURE OF COMMITTEE MEMBER

[Signature]
 Chair Vice-Chair Member

ADOPT

COMMON COUNCIL ACTION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
AUG - 7 2012			Barczak	✓			
			Czaplewski	✓			
			Lajsic	✓			
			May	✓			
			Probst	✓			
			Reinke	✓			
			Roadt	✓			
		✓		Sengstock	✓		
		✓	Vitale	✓			
			Weigel	✓			
			TOTAL	10			



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2012-0148

Final Action:

Sponsor(s): Administration & Finance Committee

AUG - 7 2012

Resolution relative to amending the City of West Allis Policies & Procedures Manual No. 1436, Anti-Harassment Policy.

WHEREAS, Policy No. 1436, Anti-Harassment, was originally included in the City of West Allis Policies & Procedures Manual on January 1, 1983 and amended on May 18, 2004; and,

WHEREAS, it is necessary to amend said policy at this time, including renaming the policy as Anti-Harassment and Anti-Retaliation Policy.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Policy No. 1436, Anti-Harassment Policy, be renamed as the Anti-Harassment and Anti-Retaliation Policy, and that the content of the Policy be amended as provided in the marked copy attached.

BE IT FURTHER RESOLVED that the City Administrative Officer, Clerk/Treasurer is authorized and directed to include the amended Policy No. 1436 in the City's Policies & Procedures Manual and distribute said policy to all departments, divisions, and offices.

ADM\ORDRES\ADMR.PPMANUAL.PRS36

ADOPTED AUG - 7 2012

APPROVED 8/15/12

 Paul M. Ziehler
Paul M. Ziehler, City Admn. Officer, Clerk/Treas.

 Dan Devine
Dan Devine, Mayor

Anti-Harassment and Anti-Retaliation Policy	Human Resources	1400
	1436	1-4
		1/1/83
		5/18/04
		?/?/ 12

1.0 PURPOSE:

To describe the policies and procedures of the City of West Allis in regard to addressing harassment and retaliation in the workplace.

2.0 ORGANIZATIONS and PERSONS AFFECTED:

This policy applies to all City of West Allis departments, boards, commissions and employees except employees under the jurisdiction of the Police and Fire Commission.

3.0 POLICY:

The City's purpose for this policy is to prohibit sexual and all other forms of illegal harassment and retaliation of its employees in the workplace by any person and in any form, as it may be related to the employee's employment with the City.

The City, as an employer, is committed to the concept that all employees have the right to expect that their work environment is free of conduct that can be considered harassing or retaliatory as described herein. The City has a strong obligation to protect its employees from all acts of harassment and retaliation and to take immediate corrective action when it discovers one of its employees is being harassed or retaliated against. Employee conduct whether intentional or unintentional, that results in the harassment of other employees because of their sex or any other protected status or the retaliation of employees for exercising their legal rights or engaging in protected conduct is illegal and will not be tolerated.

4.0 REFERENCES:

Equal Employment Opportunity Commission (EEOC) Guidelines on Discrimination Because of Sex. 45 Federal Register 74676 (1980); 29 C.F.R. (1604.11), Wis. Stats. Sec. 111.31-111.39. Title VII, Civil Rights Act of 1964.

5.0 PROCEDURES:

5.1 RESPONSIBILITY:

5.1.1 Supervisory:

- a. Each supervisor has the responsibility to maintain his or her workplace free of harassment and retaliation. Supervisors shall monitor the work environment on a daily basis for signs that

harassment or retaliation may be occurring. Supervisors shall stop any behavior that may be considered harassment or retaliation and take appropriate steps to intervene. If a supervisor encounters harassment or retaliation in another department/division he/she shall, following any intervention, report it to the supervisor. Supervisors shall discuss this policy with all employees and assure them that they are not required to endure insulting, degrading, or exploitive harassment or retaliation.

- b. Every supervisor is responsible for promptly responding to and reporting any complaint or suspected acts of harassment or retaliation. Failure by a supervisor to appropriately address and report such harassment or retaliation complaints or suspected acts shall be considered to be in violation of this policy, will be considered in any performance evaluation or promotional decisions and may be grounds for discipline.

5.1.2 Employee:

Harassment and retaliation expose the City to legal liability. Each employee is responsible for assisting in the prevention of harassment and retaliation by refraining from participation in, or encouragement of actions that could be perceived as harassment or retaliation; by reporting acts of harassment or retaliation to a supervisor; and by encouraging any employee who confides that he or she is being harassed or retaliated against to report these acts to a supervisor.

5.2 GENERAL POLICIES - UNACCEPTABLE EMPLOYEE CONDUCT:

5.2.1 Sexual Harassment is an unlawful employment practice in violation of Title VII of the Civil Rights Act of 1964 as amended by the Civil Rights Act of 1991. The Equal Employment Opportunity Commission (EEOC) has issued guidelines on this subject and defines sexual harassment as:

"Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment."

- a. Specifically, no supervisor shall threaten, or insinuate either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, or any other condition of employment or career development.
- b. Other sexually harassing conduct in the workplace, whether committed by supervisors or non-supervisory personnel, is also prohibited when such acts or behavior come within the definition set forth in par. 5.2.1 above. Sexual Harassment and intimidation arise from a broad range of physical, verbal, or non-verbal behavior (by employees or non-employees such as contractors or vendors). Such behavior can include, but is not limited to, the following types of conduct:
 - 1. Sexual flirtations, advances, or propositions.
 - 2. Verbal abuse of a sexual nature (e.g. telling sexual jokes or stories; using sexually vulgar or explicit language; making sexual comments or innuendoes; making derogatory or provoking remarks about or relating to an individual's sex or sexual orientation, etc.).
 - 3. Physical actions of a sexual nature (e.g. touching, pinching, patting, grabbing or groping a sexual part of an employee's body) or physical contact with any part of an

employee's body or clothing after that person has indicated, or it is known, that such physical contact is unwelcome).

4. Requests for sexual favors or other physical contact (e.g. back/neck rubs, massages, etc.) used as a condition of employment or affecting any personnel decision such as hiring, promotion, compensation, or termination.
5. Intentional display or possession of sexually explicit or otherwise suggestive materials on City premises.
6. Inappropriate usage of voicemail, e-mail, the internet, cell phones, P.D.A's (Personal Digital Assistant), or other such sources as a means to express or obtain sexual material, comments, etc.
7. References to an employee as a "hunk," "girl," "doll," "babe," "honey," "stud," or the like.
8. Using sexually degrading words to describe an individual; making graphic verbal comments about an individual's body.
9. Making sexual gestures with hands or body movements.
10. Inappropriately staring at another employee, looking another employee "up and down"; whistling at another employee.
11. Asking personal questions about another employee's sexual life, repeatedly propositioning an employee who has stated that he or she is not interested.

5.2.2 Other Forms of Harassment such as unwelcome conduct or actions, in the form of verbal, written, visual or physical acts, on the basis of race, color, sex, sexual orientation, religion, age, disability, national origin, arrest or conviction record, marital status, membership in the military reserve, use or nonuse of lawful products away from work, or any other protected status, are prohibited under this policy and state and/or federal law.

- a. Harassment on any basis as set forth above exists whenever submission to harassing conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual; or the conduct interferes with an employee's work/job performance or creates an intimidating, hostile, or offensive work environment.
- b. Prohibited conduct may include, but is not limited to, explicit or implicit ridiculing, mocking, deriding or belittling of an individual and/or making offensive or derogatory comments to an individual on the basis of that individual's protected status as set forth in par. 5.2.2 above.

5.2.3 Retaliation

- a. Retaliation against any employee or applicant for filing a harassment or discrimination complaint, for assisting, testifying or participating in the investigation of such a complaint, or for requesting a protected leave of absence or reasonable accommodation, is illegal and is prohibited by the City and by federal statutes.
- b. Retaliation can occur from a variety of sources, including co-workers, supervisors or elected officials.
- c. Generally, any materially adverse action taken against an employee or applicant "because

of" protected conduct is prohibited. The scope of retaliation goes beyond workplace-related or employment-related actions and includes conduct that would dissuade a reasonable worker from making or supporting a charge of discrimination. The significance of any given act of retaliation may depend upon the particular circumstances, but must be considered "materially adverse", thus separating significant from trivial harms that normally will not deter discrimination victims from filing a complaint. Examples of conduct that may be considered retaliation include:

1. Discharge
 2. Demotion or not promoting
 3. Reduction in pay
 4. Reassignment of job duties
 5. Giving a less distinguished job title
 6. Filing false criminal charges against an employee
 7. Significantly diminishing an employee's responsibilities
 8. Unwarranted negative performance evaluations (impacting promotional opportunities)
 9. Increased scrutiny of employee's work
 10. Refusing to restore lost leave time
 11. Isolation or shunning an employee
- d. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy.
- e. In addition to being a supervisory responsibility as discussed in par. 5.1.1 above, monitoring to ensure that retaliation does not occur is the responsibility of the City Administrative Officer, Department/Division Heads and the Human Resources Manager (HR Manager).

5.3 GENERAL POLICIES - COMPLAINT PROCEDURE:

- 5.3.1 Any employee who believes he or she has been or is being subjected to harassment or retaliation is encouraged but not required to inform the individual that his or her actions are unwelcome and offensive and they must stop. This initial contact can be either verbal or in writing. If the employee is not comfortable directly confronting the individual, they are encouraged, but again not required, to bring the matter to their supervisor's, Division/Department Head's or the HR Manager's attention so one of them can instruct the individual to stop the behavior. If the harassing or retaliatory conduct continues, regardless of whether the individual was told to stop the behavior, and the employee believes he or she is being harassed or retaliated against, the employee should file an oral or written complaint with their immediate supervisor, Department Head, HR Manager or the City Administrative Officer (the attached complaint form may be used).
- 5.3.2 The filing of a bona fide complaint or otherwise reporting harassment or retaliation will not adversely affect an employee's or applicant's employment status or future terms and conditions of employment. Filing of false complaints shall be subject to disciplinary action.
- 5.3.3 To the fullest extent possible, all formal complaints, investigations and actions taken to resolve complaints of harassment or retaliation shall be treated confidentially.
- 5.3.4 All complaints, except those related to the HR Division, shall be immediately conveyed to the HR Manager for investigation. The HR Manager shall immediately notify the City Administrative Officer and the City Attorney if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape. If the complaint concerns the HR Division, the City Administrative Officer shall be notified and assume said responsibilities.

The supervisory authority (per par. 5.3.1) who received the complaint shall conduct the investigation, unless the complaint concerns said supervisory authority, then it shall be referred to the Department

Head, HR Manager or City Administrative Officer. The investigatory/supervisory authority shall keep the HR Manager advised throughout the investigation of the complaint by reporting on the progress of the investigation, conferring regarding its disposition, and providing the final investigatory file for official recordkeeping unless the HR Manager is the alleged harasser/retaliator, then the City Administrative Officer shall be so apprised/informed.

- 5.3.5 The HR Manager shall submit a summary of the investigation, along with the recommendation of action to be taken, to the Department Head of the alleged harasser/retaliator. If the Department Head is the alleged harasser/retaliator, the summary and recommendation shall be submitted to the Department Head's appointing authority. If the Department Head or official is elected, the report shall be submitted to the Common Council. The Department Head/appointing authority may conduct further investigation as deemed necessary.
- 5.3.6 An employee should utilize the City's internal reporting procedure first. However, if after utilizing this procedure the complainant does not feel the complaint has been adequately addressed, the employee may file a complaint with either or both of the following:
- a. State of Wisconsin Equal Rights Agency
201 East Washington Avenue
Madison, WI 53703
Phone: (608) 266-6860
 - b. Equal Employment Opportunity Commission
210 Martin Luther King Boulevard
Madison, WI 53703
Phone: (608) 266-4910

If the employee exercises the reporting options of (a) or (b) from above, they must file a copy of the complaint with the City Attorney within 24 hours of filing of the complaint.

5.4 GENERAL POLICIES - SANCTIONS INVOLVING HARASSMENT AND RETALIATION:

The Department Head/appointing authority shall take such action as is necessary to resolve the complaint and, if appropriate, upon consultation with the HR Manager, shall impose disciplinary action against a harasser or retaliator up to and including termination. The Department Head/appointing authority shall file a report with the HR Manager with regard to the disposition of the complaint.

Anti-Harassment and Anti-Retaliation Policy

Personnel Human Resources

1400

1436

1-4

1/1/83

5/18/04

00/00/2012

1.0 PURPOSE:

To describe the ~~general policy followed by all City departments~~ policies and procedures of the City of West Allis in regard to addressing harassment and retaliation in the workplace.

2.0 ORGANIZATIONS and PERSONS AFFECTED:

This policy applies to all City of West Allis departments, boards, commissions and City employees.

3.0 POLICY:

The City's purpose for this policy is to prohibit sexual and all other forms of illegal harassment and retaliation of its employees in the workplace by any person and in any form, as it may be related to the employee's employment with the City.

~~Sexual harassment is an unlawful employment practice in violation of Title VII of the Civil Rights Act of 1964 as amended by the Civil Rights Act of 1991. The Equal Employment Opportunity Commission (EEOC) has issued guidelines on this subject and defines sexual harassment as:~~

~~"Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment."~~

The City, as an employer, is committed to the concept that all employees have the right to expect that their work environment is free of conduct that can be considered harassing or retaliatory as described herein. The City has a strong obligation to protect its employees from all acts of harassment and retaliation and to take immediate corrective action when it discovers one of its employees is being harassed or retaliated against. Employee conduct whether intentional or unintentional, that results in the harassment of other employees because of their sex or any other protected status or the retaliation of employees for exercising their legal rights or engaging in protected conduct is illegal and will not be tolerated.

4.0 REFERENCES:

Equal Employment Opportunity Commission (EEOC) Guidelines on Discrimination Because of Sex. 45 Federal Register 74676 (1980); 29 C.F.R. (1604.11).

Wis. Stats. Sec. 111.31-111.395.
Title VII, Civil Rights Act of 1964.

5.0 PROCEDURES:

5.1 RESPONSIBILITY:

5.1.1 Supervisory:

- a. Each supervisor has the responsibility to maintain his or her workplace free of harassment **and retaliation**. Supervisors shall monitor the work environment on a daily basis for signs that harassment **or retaliation** may be occurring. Supervisors shall stop any behavior that may be considered harassment **or retaliation** and take appropriate steps to intervene. If a supervisor encounters harassment **or retaliation** in another department/division he/she shall, following any intervention, report it to the supervisor. Supervisors shall discuss this policy with all employees and assure them that they are not required to endure insulting, degrading, or exploitive harassment **or retaliation**.
- b. Every supervisor is responsible for promptly responding to and reporting any complaint or suspected acts of harassment **or retaliation**. Failure by a supervisor to appropriately address and report such harassment **or retaliation** complaints or suspected acts shall be considered to be in violation of this policy, **will be considered in any performance evaluation or promotional decisions and may be grounds for discipline.**

5.1.2 Employee:

Employees are not only encouraged to report instances of harassment; they are obligated to do so. Harassment **and retaliation** exposes the City to legal liability. **Each employee is responsible for assisting in the prevention of harassment and retaliation by refraining from participation in, or encouragement of actions that could be perceived as harassment or retaliation; by reporting acts of harassment or retaliation to a supervisor; and by encouraging any employee who confides that he or she is being harassed or retaliated against to report these acts to a supervisor.**

5.2 GENERAL POLICIES - UNACCEPTABLE EMPLOYEE CONDUCT:

5.2.1 Sexual Harassment is an unlawful employment practice in violation of Title VII of the Civil Rights Act of 1964 as amended by the Civil Rights Act of 1991. The Equal Employment Opportunity Commission (EEOC) has issued guidelines on this subject and defines sexual harassment as:

"Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment." **is defined within Section 3.0 above.**

- a. Specifically, no supervisor shall threaten, or insinuate either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, or any other condition of employment or career development.

b. Other sexually harassing conduct in the workplace, whether committed by supervisors or non-supervisory personnel, is also prohibited when such acts or behavior come within the definition set forth in par. 5.2.1 contained in Section 3.0 above. Sexual Harassment and intimidation arise from a broad range of physical, verbal, or non-verbal behavior (by employees or non-employees such as contractors or vendors). Such behavior can include, but is not limited to, the following types of conduct:

1. Sexual flirtations, advances, or propositions.
2. Verbal abuse of a sexual nature (e.g. telling sexual jokes or stories; using sexually vulgar or explicit language; making sexual comments or innuendoes; making derogatory or provoking remarks about or relating to an individual's sex or sexual orientation, etc.).
3. Physical actions of a sexual nature (e.g. touching, pinching, patting, grabbing or groping a sexual part of an employee's body) or physical contact with any part of an employee's body or clothing after that person has indicated, or it is known, that such physical contact is unwelcome).
4. Requests for sexual favors or other physical contact (e.g. back/neck rubs, massages, etc.) used as a condition of employment or affecting any personnel decision such as hiring, promotion, compensation, or termination.
5. Intentional display or possession of sexually explicit or otherwise suggestive materials on City premises.
6. Inappropriate usage of voicemail, e-mail, the internet, cell phones, P.D.A.'s (Personal Digital Assistant), or other such sources as a means to express or obtain sexual material, comments, etc.
7. References to an employee as a "hunk," "girl," "doll," "babe," "honey," "stud," or the like.
8. Using sexually degrading words to describe an individual; making graphic verbal comments about an individual's body.
9. Making sexual gestures with hands or body movements.
10. Inappropriately staring at another employee, looking another employee "up and down"; whistling at another employee.
11. Asking personal questions about another employee's sexual life, repeatedly propositioning an employee who has stated that he or she is not interested.

5.2.2 Other Forms of Harassment such as unwelcome conduct or actions, in the form of verbal, written, visual or physical acts, on the basis of race, color, sex, sexual orientation, religion, age, disability, national origin, arrest or conviction record, marital status, membership in the military reserve, use or nonuse of lawful products away from work, or any other protected status, are prohibited under this policy and state and/or federal law.

- a. Harassment on any basis as set forth above exists whenever submission to harassing conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual; or the conduct interferes with an

employee's work/job performance or creates an intimidating, hostile, or offensive work environment.

- b. Prohibited conduct may include, but is not limited to, explicit or implicit ridiculing, mocking, deriding or belittling of an individual and/or making offensive or derogatory comments to an individual on the basis of that individual's protected status as set forth in par. 5.2.2 above.

5.2.3 Retaliation

- a. Retaliation against any employee or applicant for filing a harassment or discrimination complaint, for assisting, testifying or participating in the investigation of such a complaint, or for requesting a protected leave of absence or reasonable accommodation, is illegal and is prohibited by the City and by federal statutes.
- b. Retaliation can occur from a variety of sources, including co-workers, supervisors or elected officials.
- c. Generally, any materially adverse action taken against an employee or applicant "because of" protected conduct is prohibited. The scope of retaliation goes beyond workplace-related or employment-related actions and includes conduct that would dissuade a reasonable worker from making or supporting a charge of discrimination. The significance of any given act of retaliation may depend upon the particular circumstances, but must be considered "materially adverse", thus separating significant from trivial harms that normally will not deter discrimination victims from filing a complaint. Examples of conduct that may be considered retaliation include:
 - 1. Discharge
 - 2. Demotion or not promoting
 - 3. Reduction in pay
 - 4. Reassignment of job duties
 - 5. Giving a less distinguished job title
 - 6. Filing false criminal charges against an employee
 - 7. Significantly diminishing an employee's responsibilities
 - 8. Unwarranted negative performance evaluations (impacting promotional opportunities)
 - 9. Increased scrutiny of employee's work
 - 10. Refusing to restore lost leave time
 - 11. Isolation or shunning an employee
- d. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy.
- e. In addition to being a supervisory responsibility as discussed in par. 5.1.1 above, monitoring to ensure that retaliation does not occur is the responsibility of the City Administrative Officer, Department/Division Heads and the Human Resources Manager (HR Manager).

5.3 GENERAL POLICIES - COMPLAINT PROCEDURE:

- 5.3.1 Any employee who believes that he or she has been or is being subjected to harassment or retaliation is encouraged but not required to inform the individual that his or her actions are unwelcome and offensive and they must stop. This initial contact can be either verbal or in writing. If the employee is not comfortable directly confronting the individual, they are encouraged, but again not required, to bring the matter to their supervisor's, Division/Department Head's or the HR Manager's attention so one of them can instruct the individual to stop the

behavior. If the harassing or retaliatory conduct continues, regardless of whether the individual was told to stop the behavior, and the employee believes he or she is being harassed or retaliated against, the employee should file an oral or written complaint with their immediate supervisor, Department Head, Personnel HR Manager or the City Administrative Officer.

- 5.3.2 The filing of a bona fide complaint or otherwise reporting harassment or retaliation will not adversely affect an individual's employee's or applicant's employment status or future terms and conditions of employment. Filing of false complaints shall be subject to disciplinary action.
- 5.3.3 To the fullest extent possible, all formal complaints, investigations and actions taken to resolve complaints of harassment or retaliation shall be treated confidentially.
- 5.3.4 All complaints, except those related to the Personnel HR Division, shall be referred to the Personnel HR Manager for investigation. The Personnel HR Manager shall immediately notify the City Administrative Officer and the City Attorney if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape. If the complaint concerns the Personnel HR Division, the City Administrative Officer shall be notified and investigate assume said responsibilities.

The supervisory authority (per par. 5.3.1) who received the complaint shall conduct the investigation, unless the complaint concerns said supervisory authority, then it shall be referred to the Department Head, HR Manager or City Administrative Officer. The investigatory/supervisory authority shall keep the HR Manager advised throughout the investigation. The Department Head of the alleged harasser shall be advised of the complaint and kept informed of by reporting on the progress of the investigation, conferring regarding its disposition, and providing the final investigatory file for official recordkeeping unless the Department Head HR Manager is the alleged harasser/retaliator, then the City Administrative Officer shall be so apprised/informed.

- 5.3.5 The Personnel HR Manager shall submit a summary of the investigation, along with the recommendation of action to be taken, to the Department Head of the alleged harasser/retaliator. If the Department Head is the alleged harasser/retaliator, the summary and recommendation shall be submitted to the Department Head's appointing authority. If the Department Head or official is elected, the report shall be submitted to the Common Council. The Department Head/appointing authority may conduct further investigation as deemed necessary.
- 5.3.6 An employee should utilize the City's internal reporting procedure first. However, if after utilizing this procedure the complainant does not feel the complaint has been adequately addressed, the employee may file a complaint with either or both of the following:
 - a. State of Wisconsin Equal Rights Agency
201 East Washington Avenue
Madison, WI 53703
Phone: (608) 266-6860
 - b. Equal Employment Opportunity Commission
210 Martin Luther King Boulevard
Madison, WI 53703
Phone: (608) 266-4910

If the employee exercises the reporting options of (a) or (b) from above, they must file a copy of the complaint with the City Attorney within 24 hours of filing of the complaint.

5.4 GENERAL POLICIES - RETALIATION:

- ~~5.4.1 Retaliation against any employee for filing a harassment or discrimination complaint, or for~~

~~assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by the City and by federal statutes.~~

~~5.4.2 Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.~~

~~5.4.3 Monitoring to ensure that retaliation does not occur is the responsibility of supervisors, the City Administrative Officer, Department/Division Heads, and the Personnel Manager.~~

5.54 GENERAL POLICIES - SANCTIONS INVOLVING SEXUAL HARASSMENT AND RETALIATION:

The Department Head/appointing authority shall take such action as is necessary to resolve the complaint and, if appropriate, upon consultation with the ~~Personnel~~ HR Manager, shall impose disciplinary action against a harasser ~~or retaliator~~ up to and including termination. The Department Head/appointing authority shall file a report with the ~~Personnel~~ HR Manager with regard to the disposition of the complaint.



HARASSMENT/DISCRIMINATION/RETALIATION COMPLAINT FORM

DIRECTIONS: Please type or print legibly. If additional space is needed, so indicate and attach supplementary pages accordingly. Attach any relevant documentation related to the complaint.

Date: _____

Complainant: _____ Title: _____ Dept/Division: _____
First Name Last Name

Date(s) of Alleged Incident: _____ Location(s) of Alleged Incident _____

Identity of the Person(s) Involved (Name, Title, Dept/Division):

Alleged Harasser/Retaliator _____

Witness(es) _____

Details of the Alleged Incident (attach additional pages if necessary and any relevant documentation): _____

Have you reported this or similar behavior/conduct before? If so, please indicate to whom (name, title, Dept/Division) and date reported. _____

Have you discussed this complaint with anyone else? If so, please indicate to whom (name, title, Dept/Division) and date(s) discussed. _____

How would you like this matter resolved? _____

My signature indicates that the information and attachments contained herein are true and factual to the best of my knowledge

Signature of Complainant

Date

Received by: _____ Title: _____ Dept/Division: _____
First Name Last Name

Signature

Date