

INTER-OFFICE MEMORANDUM
City of Shreveport

OFFICE OF THE MAYOR

Phone: (318) 673-5150

Fax: (318) 673-5161

DATE: November 1, 2016

TO: Department Heads

FROM: Ollie S. Tyler,
MAYOR

Subject: **Executive Order 95-1 (Revised)-Harassment Statement**

Attached is your copy of the revised Executive Order 95-1 on Harassment, effective November 1, 2016 and signed by Mayor Ollie S. Tyler October 28, 2016.

This replaces all prior Executive Orders in final or draft form on harassment-sexual or otherwise. Please make sure that this document is placed in all official binders, paper and electronic files.

The Human Resources Department will continue to give training to all new and current employees on this subject matter. Training will also be given as needed to employees in violation of the aforementioned subject matter.

Should anyone have any questions, please direct them to the Human Resources Department or the Human Resources Director at 318-673-5150.



Ollie S. Tyler, Mayor

Cc: Mayor Ollie S. Tyler
Brian Crawford, CAO
Division Heads
Council Office
Internal Audit
City Attorney's Office



City Of Shreveport

SUBJECT:	EO No.: 95-1 (revised)
HARASSMENT STATEMENT	Effective Date: 11-01-2016
APPROVED BY:	<i>Allie S. Zyber</i>
DATE APPROVED:	

1. PURPOSE

It is the policy of the City that harassment of City employees, employment applicants, and of the public by City employees because of race, color, creed, sex, disability, age, national origin, LGBTQ status, marital status, public assistance status, religion or for any other reason is strictly prohibited. The City and its management are committed to vigorously enforcing its harassment policies at all levels. This Executive Order rescinds and supersedes Executive Order 89-1 dated February 17, 1989.

2. OBJECTIVES

- A. To establish the city's policy on harassment and its applicability.
- B. To identify behavior that constitutes harassment.
- C. To devise a procedure that describes how complaints of harassment are reported and resolved.
- D. To enforce disciplinary, education prevention of harassment in the workplace.

3. SCOPE

This Executive Order is applicable to all appointed, classified and unclassified personnel (both full and part-time) including employees of the Police and Fire Departments.

4. POLICY

City employees have a responsibility for maintaining a high standard of honesty, integrity, impartiality and conduct in order to ensure the proper performance of the City's business and to maintain the confidence of the citizens. It is therefore the policy of the City that harassment is unacceptable conduct in the workplace and will not be condoned. Employee conduct which violates these standards will not be tolerated. Harassment increases hostilities, creates and offensive working environment, adversely affects productive working relationships, increases costs to the City and its citizens, obstructs the City's vision of diversity and quality and tarnishes the public service image of City government. This policy is equally applicable to harassment between employees and non-employees and/or those served by such.

5. DEFINITIONS

- A. **Harassment-** Includes verbal or physical conduct that demeans or show hostility toward an individual and creates an intimidating or hostile environment. Harassment because of race, color, creed, sex, disability, age, national origin, LGBTQ status, marital status, public assistance status, or religion is strictly prohibited.

B. **Sexual Harassment-** Unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual nature, constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive environment. It is important to remember that "offensive environment" sexual harassment is behavior that is perceived as offensive by the complaining individual.

The following are examples of acts which violate this policy. These are not to be construed as an all-inclusive list of prohibited acts:

- Rape, sexual battery, molestation or attempts to commit those offenses
- Preferential treatment or promise of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward
- Whistling or cat-calling
- Touching, pinching, patting, grabbing, unwelcome hugging
- Vulgar or obscene jokes
- Crude or vulgar language
- Commenting on clothing of an individual in a sexual way (*e.g. - "I sure like the way those pants fit."*)
- Referring to someone in demeaning terms, (*e.g. - "girl", "boy", "honey", "sweetie", "hunk"*)
- Displaying pictures, posters, cartoons, calendars or other materials that are sexually suggestive, sexually demeaning, or pornographic
- Repeatedly asking someone for a date after being turned down

C. **Sexual Favoritism-** The granting or withholding of employment opportunities and benefits including, but not limited to , job assignments, or promotions constitutes sexual harassment against other persons when such uninvolved persons were qualified for but denied that employment opportunity or benefit or were subjected to unequal discipline.

D. **Retaliation-** Arbitrary discipline, unwarranted change or work assignments, providing inaccurate work information, or failing to cooperate or discuss work-related matters with any employee because that employee has complained about, been a witness to or resisted harassment, discrimination or retaliation; intentionally pressuring, falsely denying, lying about, or covering up or attempting to cover up conduct such as described.

E. **Employee-** Any individual, regardless of status, employed by the City of Shreveport or volunteers working under the supervision of the City.

F. **Non-Employee-** Any contractor or vendor representing the City, or any individual who is in contact with a representative of the City.

6. GENERAL PROCEDURE

- A. **Reporting Complaints** –Any employee desiring to report an incident of harassment should report the incident within seven (7) calendar days of the occurrence. At the Human Resources Director’s discretion complaints may be accepted after this period. The complaint may be presented by the complainant in written or verbal form. In any event, the complaint shall be recorded in writing by the Human Resources Director or his/her designee and signed by the complainant. A complaint will include:
1. Complainant’s name, position, division, and department
 2. Accused name, position, division, and department
 3. A description of the incident(s) including dates/times of occurrence and any witnesses if any
 4. What remedy the employee desires
- B. Complaints are to be filed directly with the Human Resources Director or Human Resources designee who will in turn immediately notify the appropriate departmental managers and if needed the City Attorney’s Office and/or law enforcement.
- C. Where behaviors may be offensive and the offended party has a desire to stop the behaviors without formal procedure, the employee may notify the offending party directly, but is not required to do so.
- D. Any supervisor or department head who becomes aware of harassment anywhere within the City’s administration shall promptly report the facts to the Human Resources Director or Human Resources designee. In addition, supervisors are to report any associated criminal activity to Shreveport Police Department.
- E. **Administrative Inquiry**
1. The Human Resources Director or designee, upon receipt of complaint shall have sixty (60) calendar days to conduct an administrative inquiry, which may involve the City Attorney’s Office.
 2. At the conclusion of the inquiry, the Human Resources Director or designee shall formulate a finding of either misconduct or no misconduct under this policy’s definition and review the results with all material parties including the complainant and the department head and the City Attorney.
 3. Should any disciplinary action be initiated as a result of the inquiry, it will be conducted in accordance with A.P. 2-6 Procedure for Disciplinary Actions.
 4. Confidential records of the inquiry shall be maintained by the Human Resources Department and shall not be shared with second or third parties.

It is a violation of this policy to retaliate or engage in any form of reprisal because a person raised a concern, filed a complaint of, or been a witness to any form of harassment. Any form of retaliation will result in suspension or termination depending on the nature and severity of the retaliatory acts and the past disciplinary record of the employee.

7. PROHIBITED BEHAVIOR

- A. **Prohibited sexual harassment** will be said to exist when unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature occurs with any or all of the following conditions:
1. When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
 2. When submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.
 3. When such conduct has the purpose or effect of unreasonably interfering with an intimidating, hostile, or offensive working environment.
- B. **Prohibited racial harassment** will be said to exist when racial slurs or other conduct based upon race has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment and in other circumstances.
- C. **Prohibited religious harassment** will be said to exist when religious slurs or other conduct based on religion has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment and in other circumstances.

**Behavior that is believed to be criminal in nature should be reported directly to the Shreveport Police Department.*

8. PREVENTION

Prevention will be promoted through ongoing training and education of City employees relative to practicing proper work conduct. All City employees have an obligation to take appropriate actions to prevent harassment from becoming an issue in the work place. This Executive Order makes harassment a violation of City policy and outlines proper steps in the event it occurs in the workplace.

9. TRAINING AND ENFORCEMENT

Employees found in violation of Executive Order 95-1, will attend mandatory harassment training in addition to receiving disciplinary actions. Ongoing training of this Executive Order will be conducted by the Human Resources Department and/or the City Attorney's Office.

10. QUESTIONS

Any questions about this Executive Order should be directed to the Human Resources Department.