

SEWERAGE AND WATER BOARD OF NEW ORLEANS

EXECUTIVE DIRECTOR'S OFFICE

POLICY MEMORANDUM No. 87 June 23, 2017

TO: All Departments

FROM: Cedric S. Grant, Executive Director *CSG*

SUBJECT: Harassing Conduct Policy

I. PURPOSE

The Sewerage & Water Board of New Orleans (SWBNO) seeks to maintain a workplace in which all employees are treated with respect and dignity, therefore we are committed to providing a work environment free from harassment.

The SWBNO will not tolerate any form of retaliation against an employee who either complains about or, participates in any investigation concerning harassment.

II. SCOPE

- A. This policy applies to all employees of the SWBNO.
- B. Employees reporting directly to the Executive Director are to follow the process set forth in Part VII of this policy.

III. DEFINITIONS

Unlawful harassment is a serious offense. Any employee who engages in such conduct or encourages such behavior by others shall be subject to disciplinary action, including possible dismissal from the SWBNO service. Harassment may take many forms, including but not limited to:

- A. **Verbal Harassment:** For example, epithets, derogatory comments or slurs on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, age, marital status, sexual orientation, political opinions or affiliations, or lawful employee organization activities. Verbal harassment may also include sexual remarks or well-intentioned compliments about a person's clothing, body, or sexual activities;

DEFINITIONS continued

- B. **Physical Harassment:** For example, assault, unwelcome touching, impeding or blocking movement, and/or any physical interference with normal work or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, age, marital status, sex, sexual orientation, political opinions or affiliations, or lawful employee organization activities. This includes, but is not limited to, posters, magazines, videos, internet sites or other electronic media of a sexual nature.
- C. **Visual Harassment:** For example, derogatory posters, notices, bulletins, cartoons, drawings, or other advertisements on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, age, marital status, sex, sexual orientation, political opinions or affiliations, or lawful employee organization activities. This includes, but is not limited to, posters, magazines, videos, internet sites or other electronic media of a sexual nature.
- D. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which are implicitly or explicitly a term or condition of an employee's employment, are used as the basis of employment decisions, or affect or interfere with the employee's work performance.
- E. **Hostile Environment:** Conduct including the above-referenced behaviors that have the purpose or effect of creating an intimidating, antagonistic, or offensive work environment.

IV. RESPONSIBILITIES

The SWBNO and its agents have a duty to promptly investigate allegations of unlawful harassment and, when appropriate, take corrective actions.

- A. **Employees** – are responsible for:
 - 1. **Acting** professionally and refraining from harassing conduct;
 - 2. **Becoming** familiar with the provisions of this Policy, complying with all requirements of the Policy, and cooperating with any investigation under this Policy; and
 - 3. **Promptly** reporting, pursuant to procedures set forth in this Policy, any incident of harassing conduct before it becomes a pattern of misconduct so pervasive and offensive as to constitute a hostile working environment.

RESPONSIBILITIES continued

B. Managers and/or Supervisors – are responsible for:

1. **Acting** promptly and appropriately to prevent harassment in the workplace, and retaliation against those who complain of harassment;
2. **Reporting**, pursuant to procedures set forth in this Policy, any incident of harassing conduct that they witness or is otherwise brought to their attention;
3. **Receiving** and **handling** allegations of harassing conduct promptly and appropriately, utilizing the procedures set forth in this Policy;
4. **Providing**, in consultation with the Employee Relations (ER) Manager, interim relief to alleged victims of harassment pending the outcome of the investigation to ensure that further misconduct does not occur; and
5. **Using** the procedures set forth below, in consultation with the ER Manager, to take prompt and appropriate corrective and disciplinary action, up to and including termination, against personnel who have engaged in harassing conduct or who have not carried out their responsibilities under this Policy.

C. Employee Relations Office (ER) – is responsible for:

1. **Disseminating** the policy statement annually to all employees. Distributing this policy document to all department offices and posting it on the SWBNO Intranet website;
2. **Providing** technical assistance and support, to assure compliance with this Policy and providing other assistance as requested by the ER Manager;
3. **Training** investigators on how to handle complex allegations of harassing conduct;
4. **Receiving** allegations of harassment under this Policy and promptly notifying the ER of the allegation; and

RESPONSIBILITIES continued

5. **Providing** advice to managers and supervisors on taking disciplinary actions for conduct that violates this Policy, as consulted.
6. **Advising** staff on this Policy;
7. **Conducting** or overseeing fair and impartial investigations into allegations of harassing conduct. The ER will have the authority to decide who will conduct an investigation into an allegation of harassment, provided that the person conducting the investigation has had appropriate training in investigating allegations of workplace misconduct. In complex or difficult cases, the ER will draw upon the expertise of the Legal Department as he or she deems appropriate.

D. **Deputy Directors/Department Heads** – are responsible for:

1. Taking appropriate action to enforce this Policy; and
2. Working closely with the ER to ensure that this Policy is properly implemented.

E. **Deputy Director of Administration** – is responsible for making final decisions on complaints if unresolved after all previous complaint steps have been taken. **NOTE: If the accused is the Deputy Director of Administration, the Executive Director will issue the final decision on the complaint.**

V. **HARASSMENT CLAIM PROCEDURES**

A. **Reporting Harassment**

1. Any employee who feels that he or she has been subjected to any kind of harassing conduct in violation of this Policy should report this matter to anyone in his/her supervisory chain of command and/or the ER.

HARASSMENT CLAIM PROCEDURES continued

B. Inquiries into Allegations of Harassing Conduct

1. A supervisor or manager who receives an allegation or witnesses harassing conduct shall immediately:
 - i. Inform the ER and seek guidance as to further actions; take action to stop any harassing conduct and prevent further harassment while the allegations are being investigated, including granting of appropriate interim relief to the alleged victim of harassment;
 - ii. In consultation with the ER, document the allegation and efforts to address it. Have victim write a statement, sign and date the Complaint Form.
2. When the ER receives an allegation of harassment, either directly by the complainant or through a supervisor, manager or other sources, he or she shall:
 - i. Ensure that a prompt, thorough, impartial and appropriate inquiry is conducted; and
 - ii. Recommend appropriate action to stop harassing conduct and prevent further harassment, including granting appropriate interim relief to the alleged victim of harassment while the allegations are being investigated.
3. Where an investigation is necessary, a written summary of the investigation shall be prepared by the individual conducting the investigation, in consultation with the ER. The summary shall be prepared promptly after completion of the investigation and shall be submitted to the ER (if the ER did not conduct the investigation) and the supervisor who would be responsible for recommending disciplinary action against the alleged harasser, if the allegations are found to be true.
4. The summary of the investigation or other documentation prepared under this procedure shall be kept confidential, to the extent possible. Such information, however, may be disclosed to defend the SWBNO in any litigation to which the information may be relevant and necessary. Further, information may be disclosed to those officials and employees within the department with a need to know, in order to carry out the purpose and intent of this policy.

HARASSMENT CLAIM PROCEDURES continued

C. Action To Be Taken Upon Completion of the Investigation

1. Upon completion of the investigation, and in consultation with the ER, management shall promptly evaluate the evidence and determine the appropriate action to take. This responsibility normally shall rest with the first line supervisor of the employee alleged to have engaged in the harassing conduct unless such supervisor is involved in the allegation. The ER shall be informed
2. of this decision, including a decision not to act. In cases of complex alleged harassment, the supervisor and ER should seek counsel from the Legal Department.
3. Where the investigation establishes that an employee did engage in harassing conduct under this Policy, he or she shall be subject to appropriate corrective action, up to and including termination.
4. Where the investigation establishes that a manager or supervisor did not properly carry out the responsibilities provided for under this Policy, he or she shall be subject to appropriate corrective action up to and including termination.

D. The Harassment Claim Form

When completing the harassment claim form, the employee shall state the basis for the claim and the relief or remedy sought.

A claim must:

1. Set forth a clear indication of the alleged harassment resulting in harm or damage to the aggrieved employee. For example:
 - The name, department and position of the person or persons allegedly causing the harassment.
 - A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
 - The effect of the incident(s) on the claimant's ability to perform his or her job.

HARASSMENT CLAIM PROCEDURES *continued*

- The names of other individuals who might have been subjected to the same or similar harassment (if applicable).
 - What, if any, steps the claimant has taken to try to stop the harassment.
 - Any other information the claimant believes to be relevant to the harassment claim.
2. Clearly state the relief sought, which must be within the authority of the Board to grant in whole or in part.

VI. GOVERNING AUTHORITY

This policy derives its authority from the U.S. Department of Labor Manual Series 4 (DLMS 4) Personnel Management: Chapter 700 – Harassing Conduct in the Workplace, as well as Title VII of the Civil Rights Act of 1964

VII. EXECUTIVE DIRECTOR'S STAFF

If an individual in one of the positions reporting to the Executive Director, i.e., Deputy Director, General Superintendent, Special Counsel, Internal Audit Director or Executive Secretary, has a legitimate complaint regarding harassment, that individual should attempt to resolve it through discussions with the Executive Director. In such efforts to resolve the problem, the individual should submit a written complaint to the President Pro Tem of the Board. The content of the written complaint must satisfy the guidelines as set forth in the Harassing Conduct Policy. The written complaint must be submitted as soon as possible after the matter has been discussed with the Executive Director. The President Pro Tem will schedule a meeting to discuss the complaint as soon as practical.

VIII. RECORDS

The ER shall maintain records of harassment claims for the SWBNO.

IX. INQUIRIES

Questions regarding the Harassing Conduct Policy or its implementation should be directed to the ER or at (504) 585-2491.

X. RETALIATION PROHIBITION

Reprisals against employees filing complaints, cooperating or assisting in the investigation of such complaints will NOT be tolerated.

XI. ATTACHMENTS

- A. – SWBNO COMPLAINT FORM
- B. – SWBNO ACKNOWLEDGEMENT FORM

DISTRIBUTED BY THE
Employee Relations Office
625 Saint Joseph Street
Room 302
New Orleans, LA 70165
Ph. (504) 585-2491

ATTACHMENT A
SEWERAGE AND WATER BOARD
HARASSMENT CLAIM FORM

Date _____

Name _____ Job/Title _____

Phone: Home _____ Work _____ Cell _____

Immediate Supervisor _____ Title _____

Immediate Supervisor's Supervisor _____ Title _____

Department Name _____ Division Name _____

COMPLAINT

STEP I:

To be filled the employee. Present to the Employee Relations Office. Use additional pages as necessary and attach to form.

Summary:

Relief Sought:

FOR EMPLOYEE RELATIONS STAFF ONLY

Case # _____ Group/Org. Code: _____

Presented Informally to _____ Date _____

Conference: Office _____ Field _____ Phone _____



EMPLOYEE RELATIONS MANAGER INVESTIGATION

STEP II:

Request Received by Employee Relations Department: Date _____

Comments: (Give a brief summary of session and provide recommendation. Use additional pages as necessary and attach to form.)

Signature _____ Date _____
Employee Relations Manager



EMPLOYEE RELATIONS MANAGER RECOMMENDATION

Approved: _____ Not Approved: _____ by Deputy Director - Administration

Deputy Director/Administration Decision (if Employee Relations Manager recommendation is not approved):

Signature _____ Time & Date _____
Deputy Director – Administration

ATTACHMENT B

**SEWERAGE AND WATER BOARD OF NEW
ORLEANS**

SWBNO Policy #87 – Harassing Conduct Policy

ACKNOWLEDGMENT

THIS PAGE IS TO BE SIGNED, DATED, AND SUBMITTED TO YOUR RESPECTIVE MANAGER/SUPERVISOR IMMEDIATELY UPON RECEIPT AND REVIEW OF THIS POLICY.

I acknowledge that I have been given a copy of Sewerage & Water Board's Policy #87 – Harassing Conduct Policy. I understand that it is my responsibility and obligation to read this policy carefully, to ask questions of my supervisor or the Human Resources Department if there is any part of this policy I do not understand, and to be in full compliance with SWBNO Policy #87 – Harassing Conduct Policy at all times.

You may contact the Employee Relations Office at (504) 585-2491.

Employee Name (Print)

Signature of Employee

(Date)