

Prohibited retaliation includes but is not limited to:

- demotion
- suspension
- failure to hire or consider for hire
- failure to give equal consideration in making employment decisions
- failure to make impartial employment recommendations
- adversely affecting working conditions or otherwise denying any employment benefit to an individual.

Additional Information

The Department of Fair Employment and Housing (DFEH) is the state agency that resolves complaints of unlawful discrimination, including sexual harassment. After a complaint is filed, the DFEH has one year to investigate the complaint.

The Fair Employment and Housing Commission (FEHC), headquartered in San Francisco, decides cases prosecuted by the DFEH at the state level.

To contact the DFEH, consult your local telephone directory under State Government Offices or ask directory assistance for the number of Department of Fair Employment and Housing headquarters in Sacramento or write to Department of Fair Employment and Housing, 2014 T Street, Suite 210, Sacramento, CA 95814-6824.

The Equal Employment Opportunity Commission (EEOC) is the federal agency that resolves sexual harassment claims. To contact the commission, consult directory assistance for Washington, D.C. or write to Equal Employment Opportunity Commission, 1801 L Street, NW, Washington, D.C., 20507.

If they find a complaint is justified, state and federal agencies have the power to order, among other actions, that the wronged party be hired, given back pay, promoted, reinstated or granted damages for emotional distress. The agencies also may issue a "cease and desist" order to prevent further unlawful activity and order the violator to pay large fines.

SEXUAL HARASSMENT HURTS EVERYONE

**SAN JOAQUIN COUNTY MOSQUITO
AND VECTOR CONTROL DISTRICT**
7759 SOUTH AIRPORT WAY
STOCKTON, CA 95206-3918

Stop It Before It Starts

Employee Notice

Sexual harassment is prohibited by this company and is against the law.

Every employee should be aware of:

- what sexual harassment is
- what steps to take if harassment occurs
- state law prohibiting retaliation for reporting sexual harassment

Please read this information sheet. If you have any questions or concerns about it, contact your supervisor, personnel department representative or your investigative officer for further information.

Harassers Are Personally Liable

If you, as an employee, are found to have engaged in sexual harassment, or if you as a manager know about the conduct and condone or ratify it, you may be personally liable for monetary damages. This company will **not** pay damages assessed against you personally.

In addition, this company will take appropriate disciplinary measures — termination is one possible action — against any employee who engages in sexual harassment.

How to Stop Sexual Harassment

1. When possible, confront the harasser and ask him/her to stop.

The harasser may not realize the advances or behavior are offensive. When it is appropriate and sensible, you may want to tell the harasser the behavior or advances are unwelcome and must stop. Sometimes a simple confrontation will end the situation.

2. You are strongly encouraged to report sexual harassment. Contact your supervisor, personnel department representative or other person designated by the company as investigative officers for sexual harassment.

Sexual harassment or retaliation should be reported in writing or verbally. You may report such activities even though you were not the subject of the harassment.

3. An investigation will be conducted.

The company will investigate, in a discreet manner, all reported incidents of sexual harassment and retaliation.

4. Appropriate action will be taken.

Where evidence of sexual harassment or retaliation is found, disciplinary action, up to and including termination, may result.

What is Sexual Harassment

Although many people think of sexual harassment as involving a male boss and a female employee, not all sexual harassment is done by males. Sexual harassment often involves co-workers, other employees of the company or other persons doing business with or for the company. It's against the law for females to sexually harass males or other females, and for males to harass other males or females.

California Law

California law defines harassment due to sex as sexual harassment, gender harassment and harassment due to pregnancy, childbirth or related medical conditions.

1. Verbal harassment — epithets, derogatory comments or slurs.

Examples: Name-calling, belittling, sexually explicit or degrading words to describe an individual, sexually explicit jokes, comments about an employee's anatomy and/or dress, sexually oriented noises or remarks, questions about a person's sexual practices, use of patronizing terms or remarks, verbal abuse, graphic verbal commentaries about the body.

2. Physical harassment — assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual.

Examples: Touching, pinching, patting, grabbing, brushing against or poking another employee's body, hazing or initiation that involves a sexual component, requiring an employee to wear sexually suggestive clothing.

3. Visual harassment — derogatory posters, cartoons, or drawings.

Examples: Displaying sexual pictures, writings or objects, obscene letters or invitations, staring at an employee's anatomy, leering, sexually oriented gestures, mooning, unwanted love letters or notes.

4. Sexual favors — unwanted sexual advances which condition an employment benefit upon an exchange of sexual favors.

Examples: Continued requests for dates, any threat of demotion, termination, etc. if requested sexual favors are not given, making or threatening reprisals after a negative response to sexual advances, propositioning an individual.

It is impossible to define every action or all words that could be interpreted as sexual harassment. The examples listed above with the state definition of sexual harassment are not meant to be a complete list of objectionable behavior nor do they always constitute sexual harassment.

Federal Law

Under federal law, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct 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;
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 working environment.

Protection Against Retaliation

Company policy and California state law forbid retaliation against any employee who opposes sexual harassment, files a complaint, testifies, assists or participates in any manner in an investigation, proceeding or hearing conducted by the company, the Department of Fair Employment and Housing or the Fair Employment and Housing Commission.

SAN JOAQUIN COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT
Policy Handbook

POLICY TITLE: SEXUAL HARASSMENT
POLICY NUMBER: 2210

RESOLUTION NO. 92-8
RESOLUTION OF THE BOARD OF TRUSTEES OF THE
SAN JOAQUIN COUNTY MOSQUITO ABATEMENT DISTRICT'S
POLICY CONCERNING SEXUAL HARASSMENT

It is the policy of the San Joaquin County Mosquito Abatement District that sexual harassment is unacceptable conduct in the work place and will not be tolerated.

The management of the district shall implement a program to educate employees and supervisors on what conduct can be considered sexual harassment and that such behavior will not be tolerated by the district.

It is the policy of the district that any employee who feels that they are the victim of sexual harassment or that they are bothered by an offensive or hostile work place may report their complaint to either their immediate supervisor, the assistant manager, manager, or President of the Board of Trustees. Upon receiving such a report the district management shall immediately investigate the complaint to see if it does consist of sexual harassment. If sexual harassment is found to have occurred the district shall take all appropriate action to end the harassment.

For purposes of this policy Sexual Harassment is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct of a sexual nature constitute unlawful harassment in the work place if:

- (A) Submission to such conduct is made an explicit or implicit term or condition of employment;
- (B) Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual; or
- (C) Such conduct has the purpose or effect of either:
 - (1) unreasonable interfering with an individuals work performance or
 - (2) creating an intimidating, hostile, or offensive working environment.

The District considers the following conduct to illustrate some of the conduct that violates the District's Sexual Harassment Policy:

A. Physical assaults of sexual nature, such as:

1. Rape, sexual battery, molestation, or attempts to commit these assaults;
- and
2. Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.

B. Unwanted sexual advances, propositions or other sexual comments, such as:

1. Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct is unwelcome in his or her presence;
2. Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and
3. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of the employee's sex.
4. Retaliation for sexual harassment complaints, such as:
 - a. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination, or retaliation; and
 - b. Intentionally lying about, falsely denying, exerting pressure, or otherwise attempting to cover up conduct such as that described in any item above.

The illustrations stated above are not to be construed as an all-inclusive list of prohibited acts under this policy.

The District will provide its employees with convenient, confidential, and reliable mechanisms for reporting incidents of sexual harassment and retaliation. The District has provided that the assistant manager, the manager and President of the Board of Trustees shall serve as investigative officers for sexual harassment issues. If an issue of sexual harassment involves the manager, anyone with information regarding such harassment should direct that information to the President of the Board of Trustees. The names, responsibilities and phone number of each investigative officer shall be continuously posted so that an employee making a complaint or giving information regarding a complaint can do so inconspicuously.

Complaints of acts of sexual harassment or retaliation that are in violation of the sexual harassment policy will be accepted in writing or orally, and anonymous complaints will be taken seriously and investigated. Anyone who has observed sexual harassment or retaliation should report it to a designated Investigative Office. A complaint need not be limited to someone who was the target of harassment or retaliation.

Only those who have an immediate need to know, including the Investigative Officers and/or his or her designee, the alleged target of harassment or retaliation, the alleged harassers or retaliators, any witnesses will or may find out the identity of the complainant. All parties contacted in the course of an investigation will be advised that all parties involved in a charge are entitled to respect, and that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who has made a complaint, or who has provided evidence in connection with a complaint is a separate actionable offense as provided in the schedule of penalties. This complaint process will be administered in a manner consistent with federal labor law when bargaining unit members are affected.

Each Investigative Officer will receive thorough training about sexual harassment and the procedures under this policy, and will have the responsibility for investigating complaints or having an appropriately trained and designated District Investigator do so.

All complaints will be investigated expeditiously by a trained District Investigative Officer or his or her designee. The Investigative Officer will produce a written report, which, together with the investigation file, will be shown to the complainant on request within a reasonable time. The Investigative Officer is empowered to recommend remedial measures based on the results of the investigation, and District management will promptly consider and act on that recommendations.

An effective sexual harassment policy requires the support and example of District personnel in positions of authority. District agents or employees who engage in sexual harassment or retaliation or who fail to cooperate with District sponsored investigations of sexual harassment or retaliation may be severely sanctioned by suspension or dismissal. By the same token, officials who refuse to implement remedial measures, obstruct the remedial efforts of other District employees, and/or retaliate against sexual harassment complainants or witnesses may be immediately sanctioned by suspensions or dismissal.

Education and training for employees at each level of the work force are critical to the success of the District policy against sexual harassment. To meet its goals in this area the District shall conspicuously post throughout the work place a statement of the District Policy on Sexual Harassment. This statement will be given to all new employees and seasonal employees. All employees with supervising authority will participate in annual workshops devoted to the problem of sexual harassment and its prevention.

ATTEST:

AYES _____

NOES _____

ABSENT _____

ABSTAIN _____

SIGNED:

PRESIDENT

ADOPTED: September 15, 1992

NOTICE TO ALL EMPLOYEES

It is the policy of the San Joaquin County Mosquito Abatement District that sexual harassment is unacceptable conduct in the work place and will not be tolerated. Acts of sexual harassment can be grounds for discipline or even termination.

Sexual harassment is unwelcome verbal or physical conduct of a sexual nature. It can be unwelcome sexual advances, requests for sexual favors or offensive conduct of a sexual nature which creates a hostile work environment or which interferes with job performance. The following examples illustrate some conduct which would be sexual harassment:

1. Physical assaults of a sexual nature such as rape, sexual battery, molestation or attempts to commit these acts.
2. Intentional physical touching that is sexual in nature such as touching, pinching, patting, grabbing or brushing against another persons body.
3. Stories, jokes, gestures or comments of a sexual nature or directed to a persons sexuality and directed at or made in the presence of any employee who indicates or indicated that such conduct is unwelcome in his or her presence.
4. Cartoons, pictures or drawings of a sexual nature which are publicly displayed in a work place.

Sexual harassment can come from either men or women. It is important to remember that what you may consider harmless, may be offensive to another employee.

If you as an employee are offended by what you consider sexual harassment, you may either 1) tell the individual involved that his or her actions are offensive and that you want it stopped or 2) report the activity to your immediate supervisor, assistant manager, manager or President of the Board of Trustees.

If you as an employee are told by another employee that your conduct is offensive to that employee, respect the rights of that other employee and do not repeat such conduct in the presence of that employee. You should follow this guideline even if you do not consider the activity to be offensive.

A complaint of sexual harassment can be made in writing or orally. Anonymous complaints will be taken and investigated. A complaint need not be limited to someone who was the target of harassment or retaliation.

Only those who have a need to know may find out the identity of the complainant. These include the investigation officer, the alleged harassers and any witnesses. All complaints will be investigated by management. A written report will be provided to the complainant on request within a reasonable time.

If you have any further questions regarding the District's policy against Sexual Harassment you may contact your supervisor, Assistant Manager or the Manager.

ADOPTED MAY 15, 1992



The definition of sexual harassment includes many forms of offensive behavior.



Department of Fair Employment and Housing

An employer might avoid liability if

- the harasser is not in a position of authority, such as a lead, supervisor, manager or agent;
- the employer had no knowledge of the harassment;
- there was a program to prevent harassment; and
- once aware of any harassment, the employer took immediate and appropriate corrective action to stop the harassment.

Filing a Complaint

Employees or job applicants who believe that they have been sexually harassed may file a complaint of discrimination with DFEH within **one year** of the harassment.

DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish discrimination occurred and settlement efforts fail, the Department may file a formal accusation. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed by DFEH on behalf of the complaining party.

If the Commission finds that discrimination has occurred, it can order remedies including:

- Fines or damages for emotional distress from each employer or person found to have violated the law
- Hiring or reinstatement

- Back pay or promotion

- Changes in the policies or practices of the involved employer

Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

For more information, see DFEH publication 159 "Guide for Complainants and Respondents."

For more information, contact DFEH toll free at (800) 884-1684

TTY number at (800) 700-2320 or visit our web site at www.dfeh.ca.gov

In accordance with the California Government Code and ADA requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact DFEH at the numbers above.



State of California
Department of Fair Employment & Housing

Sexual Harassment

The Facts About Sexual Harassment

The *Fair Employment and Housing Act (FEHA)* defines sexual harassment as harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions. The definition of sexual harassment includes many forms of offensive behavior, including harassment of a person of the same gender as the harasser. The following is a partial list of types of sexual harassment:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Actual or threatened retaliation
- Leering; making sexual gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
- Making or using derogatory comments, epithets, slurs, or jokes
- Sexual comments including graphic comments about an individual's body; sexually degrading words used to describe an individual; or suggestive or obscene letters, notes, or invitations
- Physical touching or assault, as well as impeding or blocking movements



The mission of the Department of Fair Employment and Housing is to protect the people of California from unlawful discrimination in employment, housing and public accommodations, and from the perpetration of acts of hate violence.

Employers' Obligations

All employers must take the following actions against harassment:

- Take all reasonable steps to prevent discrimination and harassment from occurring. If harassment does occur, take effective action to stop any further harassment and to correct any effects of the harassment.
- Develop and implement a sexual harassment prevention policy with a procedure for employees to make complaints and for the employer to investigate complaints. Policies should include provisions to:
 - Fully inform the complainant of his/her rights and any obligations to secure those rights.
 - Fully and effectively investigate. The investigation must be thorough, objective, and complete. Anyone with information regarding the matter should be interviewed. A determination must be made and the results communicated to the complainant, to the alleged harasser and, as appropriate, to all others directly concerned.
 - Take prompt and effective corrective action if the harassment allegations are proven. The employer must take

appropriate action to stop the harassment and ensure it will not continue. The employer must also communicate to the complainant that action has been taken to stop the harassment from recurring. Finally, appropriate steps must be taken to remedy the complainant's damages, if any.

- Post the Department of Fair Employment and Housing (DFEH) employment poster (DFEH 162) in the workplace (available through the DFEH toll-free number [800] 884-1684 or web site).
- Distribute an information sheet on sexual harassment to all employees. An employer may either distribute this pamphlet (DFEH 185) or develop an equivalent document that meets the requirements of Government Code section 12950(b). This pamphlet may be duplicated in any quantity. **However, this pamphlet is not to be used in place of a sexual harassment prevention policy, which all employers are required to have.**
- All employees should be made aware of the seriousness of violations of the sexual harassment policy. Supervisory personnel should be educated about their specific responsibilities. All employees must be cautioned against using peer pressure to discourage harassment victims from complaining.

- A program to eliminate sexual harassment from the workplace is not only required by law, but is the most practical way for an employer to avoid or limit liability if harassment should occur despite preventive efforts.

Employer Liability

All employers, regardless of the number of employees, are covered by the harassment section of the FEHA. Employers are generally liable for harassment by their supervisors or agents. Harassers, including both supervisory and nonsupervisory personnel, may be held personally liable for harassing an employee or coworker or for aiding and abetting harassment.

Additionally, the law requires employers to take "all reasonable steps to prevent harassment from occurring." If an employer has failed to take such preventive measures, that employer can be held liable for the harassment. A victim may be entitled to damages, even though no employment opportunity has been denied and there is no actual loss of pay or benefits.

In addition, if an employer knows or should have known that a **nonemployee** (e.g. client or customer) has sexually harassed an employee, applicant, or person providing services for the employer and fails to take immediate and appropriate corrective action, the employer may be held liable for the actions of the nonemployee.