



Personnel Committee Meeting Agenda  
January 20, 2020  
6:30 PM

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**Chairperson:** Kimberly Downey  
**Committee Member:** Mike Caughey  
**Committee Member:** Robert Boese  
**Meeting Location:** Harrisburg Municipal Center @ 354 Smith St.

**PUBLIC NOTICES:**

1. *This meeting is open to the public and will be tape-recorded.*
2. *Copies of the Staff Reports or other written documents relating to each item on the agenda are on file in the office of the City Recorder and are available for public inspection.*
3. *The City Hall Council Chambers are handicapped accessible. Persons with disabilities wishing accommodations, including assisted listening devices and sign language assistance are requested to contact City Hall at 541-995-6655, at least 48 hours prior to the meeting date. If a meeting is held with less than 48 hours' notice, reasonable effort shall be made to have an interpreter present. The requirement for an interpreter does not apply to an emergency meeting. ORS 192.630(5)*
4. *Persons contacting the City for information requiring accessibility for deaf, hard of hearing, or speech-impaired persons, can use TTY 711; call 1-800-735-1232, or for Spanish voice TTY, call 1-800-735-3896.*
5. *The City of Harrisburg does not discriminate against individuals with disabilities, and is an equal opportunity provider.*
6. *For information regarding items of discussion on this agenda, please contact City Recorder/Assistant City Administrator Michele Eldridge, at 541-995-6655*

**CALL TO ORDER AND ROLL CALL**

**CONCERNED CITIZEN(S) IN THE AUDIENCE.** (Please limit presentation to two minutes per issue.)

**APPROVAL OF MINUTES**

[Motion](#) to Approve the Minutes of October 9, 2019

**2. THE MATTER OF RECRUITING A NEW CITY ADMINISTRATOR**

**STAFF REPORT:**

Exhibit A: City Administrator Recruitment Timeline

**ACTION:** TBD – Make recommendations to the City Council for the next steps to be taken in the City Administrator Recruitment Process.

**3. THE MATTER OF REVIEWING POLICY NO. 105 – RETITLED TO ‘NO-HARASSMENT’**

**STAFF REPORT:**

Exhibit A: NO-HARASSMENT POLICY NO. 105

**ACTION:** *I move to recommend Policy No. 105, ‘No-Harassment’ to the City Council as prepared/amended.*

**ADJOURN**



Personnel Committee Meeting Minutes  
October 09, 2019

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**The Personnel Committee met on this date at the Harrisburg Municipal Center, at the hour of 6:00pm. Presiding was Chairperson** Kimberly Downey. Also present were Robert Boese, Interim City Administrator John Hitt, and City Recorder/Asst. City Administrator Michele Eldridge. Personnel Committee member Mike Caughey participated orally/visually through an App called Whats App, from his vacation.

**CONCERNED CITIZEN(S) IN THE AUDIENCE.** None

**THE MATTER OF RECRUITING A NEW CITY ADMINISTRATOR:**

**Staff Report:** Eldridge reiterated the information in the staff report; she also reminded the committee that the interview questions were protected under ORS 192.355(4) and were therefore not part of the public domain.

The Personnel Committee members reviewed the questions for roughly a half hour and deliberated about which ones they felt could be shared in the Welcome Information that Eldridge would be providing. Some of the questions were fairly basic, and the committee chose a few of those. They also decided to allow the question in relation to an employee who went through a disciplinary process, because those can sometimes be harder to remember when you are sitting through an interview that can be somewhat stressful. The questions that they determined could be shared with candidates were No. 2, No. 5, No. 6 and No. 10.

The committee then discussed the way the questions were scored and decided to go to a 1 to 3 scoring option, instead of 1 to 5. The committee also reviewed the competencies; Eldridge explained that staff would be using a sheet like the one shared with them for the upcoming interviews for the person who would be replacing Patsy.

The committee had determined which questions to use, as well as the scoring changes through consensus. Therefore, no motions were needed.

**The meeting was adjourned at the hour of 6:50pm.**

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**Chairperson**

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**City Recorder/Asst. City Administrator**

Agenda Bill  
**Harrisburg Personnel Committee**  
Harrisburg, Oregon

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**THE MATTER OF RECRUITING A NEW CITY ADMINISTRATOR**

**STAFF REPORT:**

Exhibit A: City Administrator Recruitment Timeline

**ACTION:** TBD – Make recommendations to the City Council for the next steps to be taken in the City Administrator Recruitment Process.

**THIS AGENDA BILL IS DESTINED FOR:** Regular Agenda - Jan 20, 2020

BUDGET IMPACT		
COST	BUDGETED?	SOURCE OF FUNDS
TBD	yes	General Fund

**STAFF RECOMMENDATION:**

**Staff recommend the Personnel Committee discuss each topic and make a recommendation to the City Council for the next steps to take in the recruitment process.**

**BACKGROUND INFORMATION:**

The City Council has now had two official recruitments for a new City Administrator, as well as interviews. After much discussion, the City Council decided that they wanted to expand the recruitment efforts and start a third recruitment for City Administrator.

**Salary Levels:** The last recruitment specified a salary wage scale of \$90,000 to \$110,000 for City Administrator. While some of the lack of response to the recruitment might be due to posting during the holidays, it might also be prudent to consider changing the salary scale yet again. Toledo, which has a higher cost of living than Harrisburg, and a similar population level (3,680 vs. 3,580), has a salary scale of \$90,000 to \$125,000 listed for their position. Eagle Point, which is larger than Harrisburg at a population of 9,000, has a salary scale of \$104,671 to \$121,890.

Because of the higher cost of living in Toledo, Harrisburg might want to consider raising the top end of the salary scale to \$120,000 but leave the bottom scale at \$90,000. However, due to the concerns expressed over the recent staff re-organization, and the fact that response may have been limited by the holidays, the city could certainly decide to stick with the current salary scale.

**Recruitment:** The city has been using the services of OCWCOG to assist with the recruitment efforts. Because the work loads of management staff have been consistently high, and with the construction season heating up ahead of us, staff is suggesting that we continue to contract out for most of our recruitment services. Whenever possible, City Staff will pick up certain activities which will help to reduce our overall costs. Most of our recruitment materials will remain the same, with updates depending upon what salary levels the committee decides should be applied to the 3<sup>rd</sup> recruitment.

The City Administrator will be reaching out to both OCWCOG and Prothman to review the costs for the 3<sup>rd</sup> recruitment and will bring this information to the meeting. In addition, staff will be pursuing some direct marketing to cities of similar size, and those with more layers of management staff.

**Timeline:** A revised recruitment schedule is attached as **Exhibit A**. Please note that depending upon any contract a new employee may have; the new Administrator may not be able to start until the end of May. Do remember that just as Brian did, the new person can possibly negotiate with their previous employer to shorten their separation date.

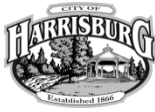
**Interview Questions:** Staff is recommending that we keep the same questions we used the last time. However, copies of both the 1<sup>st</sup> & 2<sup>nd</sup> interview questions will be brought to the meeting if needed for further discussion.

MOTION (If necessary):

*TBD – Make a recommendation to the City Council for the next steps to be taken in the City Administrator Recruitment Process.*

REVIEW AND APPROVAL:

John Hitt  
Interim City Administrator



FROM THE OFFICE OF THE CITY RECORDER/ASST. CITY ADMINISTRATOR

**TO: PERSONNEL COMMITTEE & CITY COUNCIL – JANUARY 2020**

**SUBJECT: CITY ADMINISTRATOR RECRUITMENT TIMELINE – THIRD TIME IS THE CHARM!**

<b>DATE:</b>	<b>ACTION:</b>
JANUARY 28, 2020	CITY COUNCIL TO APPROVE RECRUITMENT SCHEDULE, SALARY SCALE AND PERSONNEL COMMITTEE RECOMMENDATIONS
JAN 29 TO FEB 4, 2020	POST POSITION OPENING TO CITY WEBSITE, LOC (\$20), OCCMA LISTSERV & ICMA (\$450); COMPANY TO MAINTAIN AND MONITOR ONLINE RECRUITMENT PROCESS – APPLICATIONS FOR QUALIFIED CANDIDATES SHOULD BE SENT TO STAFF ON REGULAR BASIS
MON, FEB 3, 2020	START DIRECT MARKETING CAMPAIGN; MAIL BROCHURE TO PROSPECTIVE CANDIDATES
THU, FEB 20, 2020	DEADLINE FOR CANDIDATES TO APPLY
FRI, FEB 21, 2020	1 <sup>ST</sup> REVIEW OF QUALIFIED CANDIDATES USING SCREENING MATERIALS (CITY STAFF)
MON, FEB 24, 2020	PERSONNEL COMMITTEE MEETS TO REVIEW FINAL APPLICANT POOL, AND TO DETERMINE NUMBER OF CANDIDATES TO INTERVIEW.
TUES, FEB 25, 2020	CONVEY DETERMINATION TO HIRED COMPANY. THEY COMMUNICATE WITH CANDIDATES NOT PROGRESSING FORWARD TO INTERVIEW, AND CALL CANDIDATES WHO WILL BE INTERVIEWING WITH THE CITY COUNCIL.
MON, MARCH 9, 2020	INTERVIEWS DURING EXECUTIVE SESSION – CITY COUNCIL AND DEPARTMENT HEADS DETERMINE TOP CANDIDATE(S)
TUES, MARCH 10, 2020	IF NEEDED, AN EXECUTIVE SESSION AFTER THE BUSINESS MEETING CAN BE HELD FOR FURTHER DISCUSSION
WED, MARCH 11, 2020	CONVEY INFORMATION TO COMPANY, THEY START BACKGROUND AND REFERENCE CHECKS
MON, MARCH 16, 2020	COMPANY TO CONVEY RESULTS OF BACKGROUND AND REFERENCE CHECKS
WED, MARCH 18, 2020	POSSIBLE EXECUTIVE SESSION IF NEEDED. CITY STAFF MAKE THE JOB OFFER AND START CONTRACT NEGOTIATIONS
TUES, MARCH 24, 2020	SPECIAL CITY COUNCIL MEETING TO ACCEPT/DISCUSS CONTRACT NEGOTIATIONS; SCHEDULE FURTHER COUNCIL MEETINGS MIGHT BE NEEDED.
MAY 24, 2020	POSSIBLE START DATE FOR NEW CITY ADMINISTRATOR DEPENDING ON CONTRACT REQUIREMENTS AT PREVIOUS CITY, IF APPLICABLE.

Agenda Bill  
**Harrisburg Personnel Committee**  
Harrisburg, Oregon

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**THE MATTER OF REVIEWING POLICY NO. 105 – RETITLED TO ‘NO-HARASSMENT’**

**STAFF REPORT:**

Exhibit A: NO-HARASSMENT POLICY NO. 105

**ACTION:**     *I move to recommend Policy No. 105, ‘No-Harassment’ to the City Council as prepared/amended.*

**THIS AGENDA BILL IS DESTINED FOR:** Regular Agenda

BUDGET IMPACT		
COST	BUDGETED?	SOURCE OF FUNDS
N/A	N/A	N/A

**STAFF RECOMMENDATION:**

**Staff recommend the committee review the policy changes and forward it to the City Council for final approval.**

**BACKGROUND INFORMATION:**

The Oregon State Legislature made some changes to the way that harassment should be handled by public employers in Oregon and had set a deadline of Jan 1, 2020 for public employers to set up policies on how they addressed harassment. The City of Harrisburg had addressed harassment, and in some ways, more thoroughly than in other locations. However, some of the harassment information was spread in other locations in the employee manual, such as in the EEOC segment. This ties all the different types of protected classes into the harassment section in one policy.

Tamara Jones is one of the main staff attorneys at CIS, who has been working on a new model manual. Staff had planned on starting another review of our manual earlier this summer but was advised to wait until the model manual was released by CIS. Comparing city policy to the model manual is an advantage to the City, due to the legal expertise that CIS is able to provide.

Policy No. 105 Harassment, (**Exhibit A**) has now been updated to include the information from CIS. (We chose this policy to start the review process, due to its importance to the City.) Most of the changes are excellent, and largely removed any vague language for how an employee could interpret whether or not their behavior could be considered as harassment. It also addresses some changes due to how case law

has changed in the State of Oregon, including the fact that behavior when an employee is off-duty could be construed as harassment.

It also stresses the way that the City can protect and assist our employees who have been affected by harassment, which is important when it comes to issues that could be litigious. Some of the section under 'Other Employee Rights', is also important to note, because it defines how the city would address nondisclosure agreements, and non-disparagement agreements. (This is one of the sections that the attorney's dislike, and feel is unfair to cities). While it doesn't need to be in the policy, it's strongly suggested that it is included, because it's easy for management staff to forget the process that is required by law. (If it isn't present in the policy, it would still need to be provided to employees who are participating/involved in a harassment investigation.) By providing it in the policy, it makes certain that all employees have a copy from the start of their employment.

Staff will walk the Personnel Committee through the changes in this policy as we have in the past. Management staff members reviewed the policy and have made some changes which are included in the draft the committee is reviewing. This particular policy will be given to employees who will be asked to review and sign that they have received it, rather than waiting until the entire manual is completed.

MOTION (If necessary):

*I move to recommend Policy No. 105, 'No-Harassment' to the City Council as prepared/amended.*

REVIEW AND APPROVAL:

_____ John Hitt Interim City Administrator	_____ Date
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## POLICY NUMBER 105: No-HARASSMENT

It is the policy of the City that all employees will work in an environment that is free from harassment ~~of any kind, including but not limited to or sexual assault in the workplace, or harassment or sexual assault outside of the workplace that violates the~~ our employees, volunteers and interns' right to work in a harassment-free workplace, of any employee by another employee or supervisor. Any complaint will be promptly and thoroughly investigated. If it is determined that harassment has occurred, the City of Harrisburg will take action to resolve the situation. If an employee of the City is the offender, this will include appropriate disciplinary action, which may include termination.

### **HARASSMENT:**

The City of Harrisburg prohibits harassment ~~or conduct related to an individual's based on~~ disability, race, color, national origin, religion, sex, ~~pregnancy, sexual orientation, gender identity,~~ veterans status, military status, ~~age, genetic information, domestic violence victim status, or~~ retaliation for opposing unlawful employment practices, association with members of a protected class, marital status, injured worker status, non-supervisory family relationships, or any other protected class, regardless of whether that harassment is targeted specifically at the employee.

**Commented [ME1]:** Some of these have been addressed in other parts of the employee manual and will be revised in the future.

~~Each member of management is responsible for creating an atmosphere free of discrimination, harassment and sexual assault. Further, all employees are responsible for respecting the rights of other employees and to refrain from engaging in conduct prohibited by this policy, regardless of the circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or with HR, at any time if they have questions relating to the issues of discrimination or harassment.~~

~~This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during Harrisburg-related or sponsored trips (such as conferences, or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of Harrisburg's employees. Such harassment is prohibited whether committed by Harrisburg employees or by non-employees (including elected officials, members of the community, volunteers, interns and vendors).~~

**Commented [ME2]:** John suggested that we insert the Mayor to this section, and we feel this warrants discussion by the Personnel Committee. CIS is following the normal process of the CEO being the last stop. However, John wanted to point out that sometimes staff may not trust their supervisor, CA, or the HR person. In this case, they may not have a person to turn to. Technically, the grievance system is set up to accommodate Dept. Heads who need to appeal the CA decision. Should we include the Mayor or Personnel Committee Chairperson in this section? If so, how do we address the employee who wants to bypass all management staff when they really shouldn't be?

Behavior such as telling ethnic jokes, making religious slurs, using offensive "slang" or other derogatory terms denoting a person's speech, accent or disability, are examples of prohibited conduct and will not be tolerated at the City of Harrisburg.

**Commented [ME3]:** Yes off-duty conduct has successfully been litigated in Oregon, and therefore, due to case law, is now stated in the policy.

### **SEXUAL HARASSMENT:**

Sexual harassment can include, but is not limited to, unwelcome sexual advances, requests for sexual favors, physical touching, and other verbal or non-verbal communication or physical conduct of a sexual nature where;

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
2. Submission or rejection of such conduct by an individual influences any employment-related decisions affecting the individual; or

3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex.

This is not a complete list.

#### Other Forms of Prohibited Harassment

Such harassment may include verbal, written or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual's protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;
- Displaying racist symbols anywhere on Harrisburg property;
- "Teasing" or mimicking the characteristics of someone with a physical or mental disability;
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them;
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

This is not a complete list. All employees are expected to exercise common sense and refrain from other similar kinds of conduct.

Harassment and Sexual Harassment may be verbal, visual, or physical in nature. It includes the granting or withholding of benefits (e.g. pay, promotions, time off) in response to the sexual conduct. More subtle forms of prohibited behavior, such as offensive posters, cartoons, caricatures, comments and jokes, language or innuendoes, hugging, or kissing may also constitute sexual harassment when they create or contribute to a hostile or offensive work environment.

#### **EMPLOYEE RIGHTS & COMPLAINT PROCEDURE:**

1. Employees, volunteers or interns who feel they have been subjected to a sexual assault, any harassment, or discrimination in violation of this policy, who have witnessed such behavior or who have credible information about such behavior occurring, are expected to bring the matter to the attention of HR, the City Administrator, or a supervisor or member of management as soon as possible.

**Commented [ME4]:** Far more language in relation to what is allowed/disallowed as part of a harassment or hostile work environment claim. This leaves no delusions for most people on what wouldn't be acceptable to other employees

**Commented [ME5]:** We don't have interns, but the policy should be written to cover the possibility of having them in the future

2. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call).

4-3. An employee who experiences or witnesses harassment is encouraged, but not required, to politely, but firmly, confront the person harassing them that their behavior is offensive and unwanted and ask the person he/she wants it to stop.

2. If the harassment continues, or if the employee believes some employment consequence may result from the confrontation, or if they are not comfortable confronting the person harassing them, they should go to their immediate supervisor, the City Administrator, or their designee.

3-4. Employees may also file a discrimination grievance using the City grievance process found in this Employee Manual.

#### **INVESTIGATION AND CONFIDENTIALITY**

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with Harrisburg's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, Harrisburg will take prompt and appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have been subjected to harassment, sexual assault or discrimination are encouraged to use Harrisburg's complaint reporting procedure, described above, and elsewhere in the employee manual, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any available law, whether criminal or civil.

All employees are required to co-operate fully and confidentially with all HR based or related investigations. This includes answering questions fully and truthfully. 'Stonewalling', half-truths, and deceptions of any kind during an HR based investigation is prohibited. Failure to co-operate with a City based HR investigation could result in disciplinary action(s) up to and including termination.

Although the City of Harrisburg cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against the City of Harrisburg, the employee must provide written notice of the claim within 180 days of the act or omission the employee claims have caused him/her harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

#### **POLICY AGAINST RETALIATION:**

**Commented [ME6]** This has always been the case, any employee making a complaint can always pursue seek redress from BOLI in relation to any harassment or hostile work environment

The City of Harrisburg prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct or has participated in an investigation of such conduct. Employees if you who believe youthey have been discriminated against or harassed, or if you witness or suspect any violation of our policies, you should report the matter immediately to any member of management, or to the City Administrator, or their designee to HR. If the complaint is in regard to regarding an alleged violation of these policies by management staff, then you may take the matter directly to the City Administrator, HR or their designee. The City of Harrisburg will not retaliate against you for filing a complaint or cooperating in an investigation, and will not tolerate or permit retaliation by management, employees, or co-workers. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

**Commented [ME7]:** This section applies to the same employee(s) who were identified at the beginning of the policy, or they could be two different positions/individuals. Any employee witnessing harassment can report it

The City of Harrisburg will not tolerate unlawful retaliation against employees for engaging in protected activity. Federal Laws such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, The American with Disabilities' Act, and Oregon Revised Statutes 659A, all prohibit an employer from retaliating against an employee engaged in a protected activity.

#### **OTHER RESOURCES AVAILABLE TO EMPLOYEES**

Harrisburg provides an Employee Assistance Program (EAP) through Cascade Centers to employees and dependents who are enrolled in Harrisburg's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to [www.cascadecenters.com](http://www.cascadecenters.com). The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

Harrisburg cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information: <https://www.osbar.org/public/>.

**Commented [ME8]:** This helps to reinforce that the City is assisting employees who are experiencing harassment or a hostile work environment. As noted, it is only applicable to those who have medical insurance. HR Staff would access other resources for a staff member who is not covered by insurance

#### **OTHER EMPLOYEE RIGHTS**

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing his/her experience.

The City of Harrisburg is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City of Harrisburg must inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City of Harrisburg regarding his/her experience and/or employment status, the employee should contact HR or the City Administrator. The employee's request to enter into such an agreement must be in writing (email or text is acceptable).

**Commented [ME9]:** This entire section is reiteration of state law and what the City can actually state in any kind of an agreement. It also states that the employee has the right to talk about and disclose what they've experienced

Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the City of Harrisburg and employee do reach an agreement, the City of Harrisburg will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about his/her experiences in the

workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City of Harrisburg or making comments that would lower the City of Harrisburg in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the City of Harrisburg and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

#### Reporting Improper or Unlawful Conduct — No Retaliation

Employees may report reasonable concerns about Harrisburg's compliance with any law, regulation or policy, using one of the methods identified in this policy. The City of Harrisburg will not retaliate against employees who disclose information as stated in Policy No. 103.

A protected activity is defined as: opposing an unlawful practice prohibited by employment discrimination laws, or participating in any way in an investigation, proceeding, or hearing of an Equal Employment Opportunity charge, or an activity that an employee reasonably believes is a violation of any federal, state or local law, rules or regulations by the City of Harrisburg. (See Policy No. 103 for further detail).

Commented [ME10]: Repeated in the EEOC policy

Any act of retaliation by a manager and/or coworker may result in serious adverse disciplinary action up to and including termination. Any staff member may file a complaint with the City Administrator, or their designee, if he/she feels that they have experienced retaliation in any form.

Commented [ME11]: Repeated language

#### NO-BULLYING POLICY

The City of Harrisburg strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. Harrisburg, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, "bullying" refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include:

Commented [ME12]: It's good to have a No-Bullying Policy stated, along with the types of examples of what could be considered bullying. Cyber bullying is especially relevant to the times, and should be included

1. Verbal Bullying: Slandering, ridiculing, threatening or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
3. Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.
4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as

communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on websites for co-workers, managers or supervisors or elected officials.

This is not a complete list.

Employees who have experienced bullying in violation of this policy, who has witnessed an incident of bullying, or who have credible information about an incident, are expected and should bring the matter to the attention of their supervisor or a member of management as soon as possible. If conduct in violation of this policy is found to have occurred the City of Harrisburg will take prompt, appropriate action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

[Policy No. 105 Amended by Resolution No. 1120, Adopted by the City Council on November 10, 2015][Policy No. 105 Further Amended by Resolution No. 1150, Adopted by the City Council on December 21, 2016]