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department shall refer the employee to the employee's health care provider for assessment, counseling, and rehabilitation, or to the City Manager for further review of the employee's situation. In addition, such an employee may be required, in order to maintain employment with the City, to submit to scheduled or random testing for alcohol or a controlled substance. Failure to begin or complete a treatment or rehabilitation program may subject the employee to further disciplinary action. Disciplinary action based on a violation of the City's Drug-Free Workplace Regulations shall not be suspended because of an employee's participation in a drug or alcohol abuse treatment program.

- L. The City Manager shall develop and maintain a program of training to assist supervisory personnel in the recognition of conduct and behavior that gives rise to a reasonable suspicion that an employee is under the influence of alcohol or a controlled substance.
- M. The City Manager shall establish a controlled substance and alcohol awareness program to inform employees of:
  - 1. The dangers of controlled substance and alcohol abuse in the workplace.
  - 2. The City's policy and regulations regarding controlled substance and alcohol use.
  - 3. The available controlled substance and alcohol counseling, rehabilitation, and employee assistance programs.
  - 4. The penalties that may be imposed upon an employee for controlled substance and alcohol abuse violations.
- N. All new City employees shall sign a statement indicating that they have reviewed and understand Section 607 of this manual, "Drug-Free Workplace" within ten (10) days of beginning employment with the City. The signed document shall be kept in each employee's personnel file.

**Section 608 – POLICY AGAINST HARASSMENT AND BULLYING  
(Revised 4/26/11)**

The purpose of this policy is to reaffirm the City of Sedona's policy against any form of harassment including sexual harassment, harassment based upon race, gender, national origin, religion, age, sexual orientation or disability. It also affirms the City of Sedona's zero tolerance policy towards bullying. This policy will define harassment and bullying, outline departments' and employees' obligations, and establish a complaint procedure. This policy will ensure that all City employees and applicants for City positions have the opportunity to bring alleged acts of harassment or bullying to the attention of City management for investigation and resolution.

**A. INTRODUCTION**

In accordance with the Civil Rights Acts of 1964 and 1991, as amended, sexual harassment is a violation of Title VII of these acts. The City of Sedona prohibits and will not tolerate any form of harassment by any employee at any level. The City's harassment policy applies to, but is not limited to, full and part-time tenured

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and tenure-eligible employees, temporary employees, and employees working under contract for the City.

B. HARASSMENT DEFINITION

The following guidelines are set forth by the EEOC and utilize their current definition of sexual harassment:

“Unwelcome sexual advances, requests for sexual favors, other (non-verbal), verbal and physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to or rejection of 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 a basis for employment decisions (such as those concerning raises, promotions, training opportunities, and termination) 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.”

Sexual harassment may take the form of offensive sexual behavior, intimidation, as well as other forms such as posters, magazines, calendars, cartoons, photographs, jokes, gestures or comments of a sexual, hostile, or degrading nature, which are not appropriate within the work place.

The above definition of sexual harassment applies to conduct of men toward women, women toward men, men toward men, women toward women, employees toward citizens or any other individual, and citizens or any other individuals toward employees.

Other Harassment

Any employee’s conduct which has the purpose or effect of unreasonably interfering with an individual’s work performance or creating any intimidating, hostile, or offensive work environment, based on that individual’s race, gender, national origin, religion, age, sexual orientation, or disability, is also unlawful and will not be tolerated.

C. BULLYING DEFINITION

Bullying is defined as a series of persistent, hostile interpersonal interactions that cause substantial distress to another person. It may take the form of deliberate, hurtful repeated behaviors or offenses over a period of time. In contrast, any criticism related to job performance that is given in a dispassionate respectful and non-hostile way is not bullying.

D. COMMITMENT OF THE CITY

The City of Sedona is committed to protecting all employees from sexual harassment and to create a work environment free from all forms of harassment

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and bullying. The City of Sedona respects and understands that all employees have the right to work in a secure environment in which dignity and civility are the norm.

E. OBLIGATION OF HUMAN RESOURCES

The Human Resources Department shall be responsible for formally notifying all employees, department heads, elected or appointed officials, volunteers, and contractors/vendors of the existence of this policy. The Human Resources Department shall periodically conduct training on the topics of bullying and harassment. Attendance will be mandatory for all employees and will be offered to elected and appointed officials and those in other employment statuses.

F. OBLIGATION OF SUPERVISORS

All supervisors are obligated to support and foster a non-bullying, harassment-free environment, to report instances of such, and assist in the investigation of any reported instances of harassment or bullying in the workplace. Supervisors will promptly launch an investigation of any reported or suspected scenarios of harassment or bullying and notify the employee that these types of behaviors are unacceptable. Supervisors will also assist employees in reporting and/or following the appropriate process for investigating instances of harassment or bullying. The supervisor should provide feedback to the employee who reported the situation within seven days.

G. OBLIGATION OF EMPLOYEES

All employees are obligated to report any instances of sexual or any other form of harassment that they experience within the workplace or outside the workplace that has an effect on the work environment. Employees are also obligated to offer full cooperation in all investigations into sexual or any other form of harassment charges. This cooperation may include, but is not limited to:

1. Coming forward with evidence, whether it is favorable or unfavorable to the individual accused of the harassment; and
2. Being completely truthful in any written reports or in any verbal responses to the investigator's questions.

G. WITNESS INFORMATION

Witnesses to any instances of harassment are encouraged to come forward with any information about the instance they see occurring within the workplace or any area that may have an effect on the work environment. This information may be in relation to instances that have been reported or instances that have not yet been reported. Witnesses are encouraged to provide this information in order to help the City enforce this policy and to help stop situations that can create a hostile working environment.

H. PROCEDURES FOR FILING COMPLAINTS

An employee who feels he or she is the victim of sexual harassment, bullying, or any other form of harassment should document the incidents, including as much

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detail as possible, and report the situation as early on as possible. Once the employee feels the incident(s) have risen to the level of harassment or bullying as defined in this policy, prompt reporting is important to improve the effectiveness of corrective measures. It may not be possible to take corrective action after an extended period of time has passed, because for example, involved employees or witnesses may have left employment or forgotten key details surrounding the incident. The employee can submit a written or oral complaint to the person(s) he or she feels most comfortable going to in this type of situation. The person(s) may be

1. Anyone in the supervisory chain of command up to the department head;
2. Human Resources Department, or
3. City Manager

When filing a complaint, the employee should be able to furnish the following information:

1. His or her name, the department, and position title;
2. The name of the individual(s) accused of harassment or bullying, and position title(s);
3. The nature of the alleged incident(s), the length of time the alleged incident(s) has occurred, specific dates the alleged incident(s) occurred, the location of the alleged incident(s), and any actions or threats against the employee resulting from the alleged harassment;
4. Any witnesses to the alleged harassment;
5. Whether the employee has reported the harassment allegations previously and, if so, to whom, when and what actions, if any, were taken as a result of the report.

I. REPORTING AND INVESTIGATING COMPLAINTS

Whenever there is an allegation of harassment or bullying, the Human Resources will conduct a prompt and thorough investigation. The Human Resources Department or department representatives with prior approval from the Human Resources Manager will be the designated investigators of harassment and bullying complaints for the City of Sedona. To the extent possible, harassment and bullying complaints, as well as the investigation of such complaints, shall be kept confidential. Individuals accused of harassment or bullying shall be warned not to retaliate in any way against the complainant, witnesses, or any other person that may be connected to the investigation. Any form of confirmed retaliation will be subject to review and possible disciplinary action up to and including termination

Upon receiving a complaint by an employee, the person to whom the complaint was made shall immediately prepare a preliminary report to be given to the assigned investigator(s) and supply a copy to the Human Resources Department. The report should include the information provided by the

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complainant as illustrated in the preceding section. The investigator(s) will be required to keep a written record of the investigation. This written record can include:

1. Verbal responses by the person filing the complaint of harassment;
2. Interviews of witnesses;
3. Verbal responses by the person accused of the harassment; and
4. Any other person contacted in connection with the investigation.

Upon completion of the investigation, the investigator shall present the report to the Human Resources Department or City Manager, who shall, within a reasonable amount of time, make a decision as to whether the accused's conduct constitutes harassment or bullying. In making this decision the Human Resources Manager or City Manager shall take the following into consideration:

1. The investigator(s) conclusion;
2. The circumstances of the situation; and
3. The nature of the conduct of all parties involved and the context within which it took place.

All decisions by the Human Resources Manager or City Manager will be made on a case-by-case basis.

J. DISCIPLINARY ACTION

If the Human Resources Manager and/or City Manager concludes that the complaint is valid, immediate and appropriate disciplinary action up to and including termination shall be taken in accordance with Sections 409-412 of the Employee Manual.

The type of disciplinary action will be determined on a case-by-case basis.

In all cases, individuals accused of harassment shall be warned not to retaliate in any way against the complainant, witnesses, or any other person that may be connected to the investigation into the complaint of harassment. Any form of confirmed retaliation will be subject to review and possible disciplinary action up to and including termination.

## Section 609 – VEHICLE USE REGULATIONS

A. DEFINITIONS

1. **Employee** is defined in this policy as a City employee, elected or appointed official or volunteer that have undergone the City volunteer application process.
2. **Motorized Vehicle** is defined as any means of transportation with two or more wheels utilized either on or off road with a monetary value greater than \$5,000 (five thousand dollars).
3. **City Vehicle** is defined as any vehicle or equipment that is owned, leased or rented in the name of the City of Sedona.