

SUBJECT: Equal Opportunity Policy	NUMBER: 12.01.010
RESPONSIBLE OFFICER: City Manager	EFFECTIVE DATE: 9/27/2004
POLICY OWNER: Director of Human Resources	LAST REVIEWD: 11/14/2006
POLICY CONTACT: HR Staff Member	APPROVED: SIGNATURE

POLICY

I. **PURPOSE**

To provide for equal consideration and treatment of all City of Stockton employees and applicants for employment, and establish policies and goals for promoting equal opportunity in its work force.

II. **POLICY**

- A. It is the continuing policy of the City of Stockton to recruit and retain the best qualified individuals without regard to race, color, creed, national origin, age, gender, sexual orientation, disability, or status as a disabled veteran. The City will make every effort to ensure that its work force is representative of the population from which it is obtained.

III. **VIOLATION**

- A. Department heads, managers, and supervisors shall be held accountable for achieving equal opportunity for employees within their work force.
- B. Any appearance of retaliation or actual retaliation against employees who exercise their right to file complaints is strictly prohibited and may result in disciplinary action.
- C. Any employee or applicant for employment who believes that an act of discrimination, or any violation of this policy, has occurred shall contact the Director of Human Resources in his/her official capacity as the Equal Employment Officer for the City of Stockton.
- D. In the event an employee or applicant for employment believes that the discriminatory act or policy violation has been carried out by the Equal Employment Officer, such act or violation should be reported to the City Manager.

RESPONSIBILITIES

City of Stockton Equal Employment Commission

- Responsible for monitoring the implementation of this equal opportunity policy concerning employment practices.

Director of Human Resources

- Designated the Equal Employment Officer.
- Shall administer policy.

RELEVANT AUTHORITY

City Council Resolution No. 97-0393 (10107/97).

RELATED CITY POLICIES

Title <CW.#>

RELATED CITY PROCEDURES

[Link to procedures document. \(see below\)](#)

RELATED FORMS, DOCUMENTS, OR LINKS

Form Title <Link>

FREQUENTLY ASKED QUESTIONS

<Populated by clarification or follow-up with policy contact.>

UPDATE HISTORY

4/07/2003 – Major Revisions

6/15/1980 – Original Policy

SUBJECT: Disability Discrimination Policy	NUMBER: 12.01.040
RESPONSIBLE OFFICER: City Manager	EFFECTIVE DATE: 9/26/2005
POLICY OWNER: Director of Human Resources	LAST UPDATED: <Date>
POLICY CONTACT: HR Staff Member	APPROVED: SIGNATURE

POLICY

I. PURPOSE

The purpose of this policy is to prohibit and eliminate any discrimination in employment against a qualified individual with a disability and to establish a procedure for investigating and resolving disability discrimination complaints.

II. POLICY

- A. Discrimination on the basis of disability against an applicant or an employee who is a qualified individual with a disability, by a supervisor, management employee, or co-worker is not condoned and will not be tolerated. This policy applies to the job application process and to all terms and conditions of employment including, but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation and training.
- B. All complaints of discrimination on the basis of disability will be promptly and objectively investigated.
- C. Disciplinary action up to and including termination will be instituted for behavior described in the definition of discrimination on the basis of disability set forth below.
- D. Any retaliation against a person for filing a discrimination charge or making a discrimination complaint is prohibited.

III. DEFINITIONS

- A. **"DISABILITY"** is: (1) a physical or mental impairment that substantially limits one or more major life activity; or (2) having a record of such an impairment; or (3) being regarded as having such an impairment.

1. **Physical or Mental Impairments**· include, but are not limited to: vision, speech and hearing impairments; emotional disturbance and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; Hepatitis B; HIV infection; and drug addiction if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs.
2. **Substantial Limitation of Major Life Activities**
 - a. An individual is disabled if he or she has a physical or mental impairment that (a) renders him or her unable to perform a major life activity, or that (b) substantially limits the condition, manner or duration under which he or she can perform a particular major life activity in comparison to other people.
 - b. Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
3. **Having a Record of Impairment** - An individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity; or has been diagnosed, correctly or incorrectly, as having such an impairment.
4. **Regarded as Having a Disability** - an individual is disabled if he or she is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists.

B. Qualified individual With a Disability

1. **Satisfies Job-Related Requirements** - means that the disabled individual possesses the appropriate educational background, employment experience, skills, and license required for the position.
2. **Essential Factors** - The second step is to determine whether the individual can perform the essential functions of the position despite their disability. Essential functions are the fundamental duties of a position. A function may be essential because:
 - a. The reason the position exists is to perform the function.
 - b. of the limited number of employees available among whom the performance of that job function can be distributed; and
 - c. it is highly specialized and require specific expertise or skill to perform.
3. **Reasonable Accommodation**· If the individual cannot perform the essential functions despite their disability, the third step is to determine whether reasonable accommodation would enable the individual to perform the essential functions of the position.

- a. Accommodation is any change in the work environment or in the way things are customarily done that enables a disabled individual to enjoy equal employment opportunities.

Accommodation means modifications or adjustment:

1. to a job application process to enable an individual with a disability to be considered for the position;
 2. to the work environment in which a position is performed so that a disabled person can perform the essential functions of the position; and
 3. that enable disabled individuals to enjoy equal benefits and privileges of employment as other similarly situated employees without disabilities enjoy
4. **Undue Hardship** - The law does not require that the City of Stockton provide an accommodation that imposes an "undue hardship" on the operation of the city's business. Undue hardship means significant difficulty or expense incurred in the provision of accommodation.
 - a. Undue hardship includes but is not limited to financial difficulty.
 - b. Undue hardship refers to any accommodation that would be unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the business.
 5. **Determining the Appropriate Accommodation** - If a qualified individual with a disability requests the provision of a reasonable accommodation, the City shall engage in an informal, interactive process with the disabled person which identifies the precise limitations resulting from the disability and the potential accommodations that could overcome those limitations.
 - a. See City Manager Administrative Directive PER-035 for details of the City's policy.

C. Discrimination on the Basis of Disability - means:

1. to limit, segregate, or classify a job applicant or employee in a way that may adversely affect opportunities or status because of the applicant's or employee's disability;
2. to participate in a contract which could subject an applicant or employee with a disability to discrimination;
3. to use any standards, criteria or method of administration which could have the effect of discriminating on the basis of disability;
4. to deny equal jobs or benefits because of a disability;
5. to fail to make reasonable accommodations to known physical or mental limitations or an

otherwise qualified individual unless it can be shown that the accommodation would impose an undue hardship;

6. to use selection criteria which exclude disabled persons unless the criteria is job related and consistent with business necessity; and
7. to fail to use employment tests in a manner that the test results accurately reflect the applicant's or employee's skill or aptitude for a particular job.

RESPONSIBILITIES

Outlining responsibilities including delegation.

RELEVANT AUTHORITY

Title <Link>

RELATED CITY POLICIES

Title <CW.#>

RELATED CITY PROCEDURES

Title <PR.#>

RELATED FORMS, DOCUMENTS, OR LINKS

Form Title <Link>

FREQUENTLY ASKED QUESTIONS

<Populated by clarification or follow-up with policy contact.>

UPDATE HISTORY

<Date> – Major Revisions

DISABILITY DISCRIMINATION AND COMPLAINT PROCEDURE

12.01.040.01

SUBJECT: Disability Discrimination and Complaint Procedure	NUMBER: 12.01.040.01
RESPONSIBLE OFFICER: City Manager	EFFECTIVE DATE: 9/26/2005
PROCEDURE OWNER: Director of Human Resources	LAST UPDATED: <Date>
PROCEDURE CONTACT: HR Staff Member	APPROVED: SIGNATURE

PROCEDURE

I. COMPLAINT

- A. A job applicant or employee who believes he or she has been discriminated against on the basis of disability may make a written complaint as soon as possible after the incident to: (a) complainant's immediate supervisor; (b) complainant's department head; or (c) the ADA compliance officer.

In order to facilitate the investigation, the complainant is encouraged to submit the complaint within 30 days of the alleged incidents.

- B. The complaint shall include:

1. a description of the offending behavior(s) or violations;
2. date(s), time(s) and location(s) of incident (s);
3. name(s) or alleged offender(s);
4. name(s) of witnesses, if any; and
5. remedy desired.

- C. Complainant's immediate supervisor or department head shall refer all complaints received to the compliance officer.

- D. Upon receipt of a complaint, the compliance officer shall investigate all charges. The investigation shall include interviews with:
1. the complainant;
 2. the person(s) allegedly engaged in discrimination; and
 3. any other person the compliance officer believes to have relevant knowledge concerning the complaint.

- E. Upon completion of the investigation, the compliance officer shall review factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination, giving consideration to all factual information, the totality of circumstances, including the nature of the alleged discriminatory conduct and the context in which the alleged incidents occurred.
- F. The compliance officer shall then prepare a written report setting forth the results of the investigation and the determination as to whether discrimination occurred. The results of the investigation shall be conveyed to all appropriate persons.
- G. If it is determined by the compliance Officer that discrimination has occurred, appropriate disciplinary action will commensurate with the severity and/or frequency of the offense.
- H. Reasonable steps shall be taken to protect the victim and other potential victims from further discrimination.
- I. Reasonable steps shall be taken to protect the victim from retaliation as a result of communicating the complaint.

RELEVANT AUTHORITY

Title <Link>

RELATED CITY POLICIES

Title <CW.#>

RELATED FORMS, DOCUMENTS, OR LINKS


Form Title <Link>

FREQUENTLY ASKED QUESTIONS

<Populated by clarification or follow-up with policy contact.>

UPDATE HISTORY

<Date> – Major Revisions

SUBJECT: Standards, Conduct, Safety	NUMBER: 12.02
RESPONSIBLE OFFICER: City Manager	EFFECTIVE DATE: 2/20/2018
DIRECTIVE OWNER: City Manager	LAST UPDATED:
DIRECTIVE CONTACT: Human Resources Director	APPROVED:  Kurt O. Wilson

DIRECTIVE

The City of Stockton is committed to maintaining a safe work environment for its employees and upholds the highest standards of conduct. The Human Resources Department is responsible for ensuring compliance with state and federal regulations and establishing, monitoring, and enforcing policies and procedures related to employee conduct and safety.

The City reaffirms its dedication to a workplace that ensures physical safety through policies including but not limited to:

- Prohibition of drugs and alcohol in the workplace
- Programs and policies designed for the prevention of injury, illness, and workplace violence
- Promotion of motor vehicle safety
- Resources dedicated to crisis management

The City promotes the highest standards of conduct through policies including but not limited to:

- Establishment of a Code of Conduct for City employees
- Prohibition of discrimination and harassment
- Investigation and resolution into complaints
- Protection against retaliation and protection for whistleblowers

RELEVANT AUTHORITY

[City of Stockton Labor Agreements](#)

City of Stockton Civil Service Rules and Regulations

City Charter, Article XII, Section 1201 The City Administrative Officer

Municipal Code Title 2, Administration and Personnel

FREQUENTLY ASKED QUESTIONS

N/A

UPDATE HISTORY

N/A

CODE OF CONDUCT FOR CITY EMPLOYEES

12.02.010

SUBJECT: Conduct, Code, Professional, Standards	NUMBER: 12.02.010
RESPONSIBLE OFFICER: City Manager	EFFECTIVE DATE: XX/XX/2015
POLICY OWNER: City Manager	LAST UPDATED: XX/XX/2015
POLICY CONTACT: City Manager	APPROVED: SIGNATURE

POLICY

- 1) City of Stockton employees are expected to:
 - a) Adhere to all rules and regulations
 - b) Accurately perform job functions in a timely manner
 - c) Conduct themselves in a professional and courteous manner
 - d) Act with integrity
 - e) Exercise good judgment
 - f) Maintain a work environment free from inappropriate and/or discriminatory actions, language, and images
 - g) Demonstrate sensitivity and respect for others
- 2) City of Stockton employees shall not do the following:
 - a) Engage in any conduct or participate in activities that reflect unfavorably upon or conflict with the best interests of the City of Stockton
 - b) Conduct business in an unethical manner
 - c) Influence other employees to act in an unethical manner
- 3) City employees shall report concerns of inappropriate, illegal, problematic, or discriminatory behavior or actions by employees particularly those that inhibit job performance, the City's work environment, or negatively affect the City's finances. These concerns may include but are not limited to the following :
 - a) Theft or misuse of City resources (e.g., cash, equipment, supplies, or materials)
 - b) Use of one's position with the City for personal gain
 - c) Falsifying of information such as financial records or payroll information
 - d) Conducting personal business on City time
 - e) Abusing the system of travel reimbursement
 - f) Intentionally misrepresenting the costs of goods and services provided
 - g) Receiving favors for awarding contracts to certain vendors

- h) Purchase of unneeded supplies or equipment
- i) Abusing the workers' compensation system

- 4) The City of Stockton, and its employees, has a responsibility to operate ethically and in compliance with the law.
- 5) The City of Stockton values its employees and the high-quality services it provides to the community. In order to ensure the quality of performance and the integrity of services provided, the City of Stockton shall address all concerns about breaches in employee conduct.
- 6) All reasonable concerns about breaches in the City's code of conduct will be investigated and addressed in a prompt, thorough and confidential manner. Where necessary, the City shall take appropriate corrective action to address issues of misconduct.
- 7) Employees shall not discuss investigations with any City employees not involved in performing the investigation. Any violations of this confidentiality may – in and of itself – create an unacceptable work environment and, as such, may result in disciplinary action.

RESPONSIBILITIES

XXX

- TBD

RELEVANT AUTHORITY

N/A

RELATED CITY POLICIES

N/A

RELATED FORMS, DOCUMENTS, OR LINKS

N/A

FREQUENTLY ASKED QUESTIONS

N/A

UPDATE HISTORY

N/A

SUBJECT: Discrimination and Harassment Policy	NUMBER: 12.02.020
RESPONSIBLE OFFICER: City Manager	EFFECTIVE DATE: 3/1/2010
POLICY OWNER: Director of Human Resources	LAST UPDATED: <Date>
POLICY CONTACT: HR Staff Member	APPROVED: SIGNATURE

POLICY

I. PURPOSE

The purpose of this policy is to reaffirm the City's commitment to demonstrating respect for all individuals by strictly prohibiting discrimination and harassment, including sexual harassment in the workplace, to define the types of behavior and conduct prohibited by this policy, and to set forth a procedure for reporting, investigating and resolving complaints of discrimination and harassment in the workplace.

II. POLICY

- A. The City of Stockton prohibits any form of discrimination and/or harassment in employment based on race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, pregnancy, gender, sexual orientation, political affiliation, age, or any other category or attribute consistent with state or federal law. All such discrimination and harassment is unlawful and shall not be tolerated.
- B. The City will neither tolerate nor condone discrimination and/or harassment of employees by managers, supervisors, co-workers, or non-employees with whom City employees have a business service, or professional relationship.
- C. All City employees share a responsibility to assist in maintaining an employment environment free of discrimination and harassment. This policy applies to all aspects of City employment, including, but not limited to, hiring, reassignment, promotion, employment action, layoff, reemployment, transfer, leave of absence, compensation, and training.
- D. All allegations of discrimination and/or harassment shall be investigated immediately by the City, in accordance with this policy. If it is determined that any prohibited activity has occurred, remedial action shall be taken. Such action may include discipline up to and including discharge. In addition,

under applicable law, individual supervisors and employees may be subject to personal liability and/or punitive damages in any litigation arising as a result of such conduct.

- E. All new hires shall attend harassment awareness training, and supervisors and managers shall attend harassment awareness and prevention training for supervisors every two years.
- F. The City of Stockton prohibits retaliation against any employee by another employee or supervisor/manager for reporting, filing, testifying, assisting or participating in any manner in any investigation, proceeding, or hearing conducted by the employer or a federal or state enforcement agency.
- G. This policy applies to all officials, employees, volunteers, agents, or contractors of the City.
- H. This policy shall be administered by the Director of Human Resources.

III. DEFINITION AND EXAMPLES OF DISCRIMINATION AND HARASSMENT

- A. "Discrimination," as used in this policy, is any action, behavior, practice, or process that is intended to deny, or results in the denial of, employment rights, privileges, or benefits because of a person's race, ethnicity, religion, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, medical condition, gender, sexual orientation, political affiliation, age, or any other prohibition identified under state and federal law. The following are examples of conduct that may constitute discrimination:
 - 1. Soliciting applications from a source where all or most of potential workers are of the same race or color.
 - 2. Considering a person's gender as the basis for differences in pay, work assignments, performance evaluations, training, discipline, or any other area of employment; and
 - 3. Questioning a job applicant about the existence, nature and severity of a disability.
- B. "Harassment," as used in this policy, consists of any conduct affecting another person or person's because of his or her race, religion, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, medical condition, gender, sexual orientation, political affiliation, age, or any other category or attribute identified under state and federal law when such conduct has the purpose or the effect of: (1) creating an intimidating, hostile or offensive work environment; (2) unreasonably interfering with the employee's work performance; or (3) otherwise adversely affecting an employee's employment opportunities.

Harassment may take many forms, including, but not limited to, the following examples:

- 1. Verbal Harassment: Epithets, derogatory and offensive comments or slurs based on race, religion, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, medical condition, gender, sexual orientation, political affiliation, age, or any other category or attribute identified under state and federal law.

2. Physical Harassment: Assault, impeding or blocking movement that results in the physical interference with normal work or movement on the basis of race, religion, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, medical condition, gender, sexual orientation, political affiliation, age, or any other category or attribute identified under state and federal law.
 3. Visual Harassment: The displaying of posters, photography, notices, bulletins, e-mails, cartoons or drawings with derogatory and offensive content based on race, religion, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, medical condition, gender, sexual orientation, political affiliation, age, or any other category or attribute identified under state and federal law.
- C. "Sexual harassment," as used in this policy, is a subcategory of harassment, and is specifically defined by law as unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:
1. Submission to such conduct is made a term or condition of employment; or
 2. Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or
 3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment because of the persistent, severe or pervasive nature of the conduct.

Examples of Sexual Harassment include the following:

- a. Unwelcome sexual overtures or propositions.
- b. Offering employment benefits or status in exchange for sexual favors.
- c. Making or threatening retaliation after a negative response to sexual advances.
- d. Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters.
- e. Verbal conduct such as using epithets or slurs, telling sexually explicit jokes, or making derogatory or suggestive comments about a person's body or dress.
- f. Written communications of a sexual nature distributed in hard copy or via a computer network.
- g. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations.

- h. Physical conduct such as touching, assaulting, impeding or blocking movements.
- i. Retaliation for making harassment reports or threatening to report harassment.

RESPONSIBILITIES

Outlining responsibilities including delegation.

RELEVANT AUTHORITY

Title <Link>

RELATED CITY POLICIES

Title <CW.#>

RELATED CITY PROCEDURES

Title <PR.#>

RELATED FORMS, DOCUMENTS, OR LINKS

Form Title <Link>

FREQUENTLY ASKED QUESTIONS

<Populated by clarification or follow-up with policy contact.>

UPDATE HISTORY

<Date> – Major Revisions

SUBJECT: Discrimination and Harassment Procedure	NUMBER: 12.02.020.01
RESPONSIBLE OFFICER: City Manager	EFFECTIVE DATE: 3/1/2010
PROCEDURE OWNER: Director of Human Resources	LAST UPDATED: <Date>
PROCEDURE CONTACT: HR Staff Member	APPROVED: SIGNATURE

PROCEDURE

I. REPORTING AND COMPLAINT PROCEDURES

A. Immediate Action Required

The City's reporting and complaint procedures provide for an immediate, thorough and objective investigation of discrimination or harassment claims, appropriate disciplinary action taken against any person found to have engaged in prohibited behavior, and appropriate alternative remedies to any employee subject to discrimination or harassment. To accomplish this, such incidents must be reported immediately to a supervisor or manager.

1. Employee's Responsibilities when Subjected to Discrimination and/or Harassment

- a. Employees who believe they have been subjected to discrimination or harassment, or are aware of discrimination or harassment against others, shall report the situation immediately to his/her supervisor or manager, except as specified in subsection (b), below. Employees shall report any such incidents occurring in the workplace, whether committed by coworkers, supervisors or managers, or third persons doing business with the City, such as customers or vendors, or other non-employees. If comfortable doing so, an employee who has a complaint of discrimination or harassment is encouraged to directly inform the person(s) engaging in the behavior that such conduct is offensive and to insist that the behavior stop.
- b. Employees must immediately contact a supervisor or manager to register a complaint of discrimination or harassment, unless that supervisor or manager is the individual engaging in the unwanted behavior. In that case, the employee may contact someone at the next supervisory level. If the employee feels uncomfortable dealing directly with his or her immediate supervisor or manager, the employee may contact his or her department head, or the Director of Human Resources (or either of their designees) to register a complaint of discrimination or harassment.

- c. Employees may file a formal complaint of harassment or discrimination with their department head or with Human Resources. To assist the City in conducting a thorough investigation, complaints shall be submitted in writing and shall include specific details of the incident(s), the names of the individuals involved, the names of any witnesses, and any documentary evidence (notes, pictures, cartoons, etc.) that will corroborate the allegations.
- d. Employees shall immediately report any retaliation to a supervisor, manager, department head or Director of Human Resources (or designee). All retaliation complaints shall be immediately, objectively and thoroughly investigated in accordance with the investigation procedures. If a report of retaliation is substantiated, appropriate disciplinary action, up to and including discharge shall be taken.

2. Supervisor's or Manager's Responsibilities to Eliminate Discrimination and/or Harassment

- a. A supervisor or manager is responsible for enforcing the City's discrimination and harassment policy. Supervisors or managers must ensure that all employees are aware of the City's policy through open discussion of the policy at staff meetings and by posting the policy in a conspicuous location accessible to all staff members.
- b. A supervisor or manager shall be cognizant of employees' behavior and shall not permit any employee under their supervision to be subjected to or engage in any conduct prohibited by this policy.
- c. A supervisor or manager who observes conduct prohibited by this policy shall immediately direct the employee to cease the conduct.
- d. A supervisor or manager who receives a complaint of prohibited conduct is required to take the complaint seriously, and report the matter immediately to the department head; be supportive of the complainant; ensure there is no retaliation against the complainant; conduct an internal fact-finding review into the allegations; obtain as much detailed information as possible; thoroughly document the findings; communicate in written form to the parties the resolution of the complaint; and report to and consult with the Human Resources Department promptly, without delay.

B. Confidentiality. The City will make every effort to protect the privacy and confidentiality of all parties involved, as well as any information and/or documentation obtained, to the extent possible consistent with a thorough investigation.

C. Penalty for Non-Compliance. The City shall take disciplinary action, up to and including discharge, against any supervisor or manager who fails in his/her responsibility to take immediate action in response to an employee's complaint of discrimination or harassment. Further, such disciplinary action shall be taken against a supervisor or manager who fails to stop discriminatory or harassing conduct committed in his/her presence or to stop such conduct about which the supervisor or manager has knowledge.

II. INVESTIGATIVE PROCEDURES

A. Determination of Responsibility for Investigation

If a formal complaint is filed with the department head or the Director of Human Resources (or either of their designees), the department head and the Director of Human Resources shall consult with one another to determine whether the department or Human Resources shall conduct the fact-finding investigation into the allegations. Either the department head or the Director of Human Resources (or either of their designees), depending on who is responsible for the investigation, shall issue written notification to the complainant and alleged harasser(s). The notification shall specify the nature of the complaint, and inform the parties that an investigation into the allegations of discrimination and/or harassment shall be conducted.

B. Investigative Guidelines

The investigation shall include the following steps taken in the order best suited to the circumstances:

1. Identify and preserve the evidence.
2. Confirm the name and position of the complainant. Interview the complainant.
3. Allow the complainant the opportunity to place the complaint in writing.
4. Obtain the identity of the alleged harasser.
5. Obtain as many details as possible regarding the incident(s) that prompted the complaint, including the number of occurrences, dates, times, locations, and witnesses (if applicable).
6. Ascertain how the complainant felt about the alleged incident when it occurred; complainant's response(s) to the alleged behavior; and witness statements (if applicable).
7. Ascertain if any threats or promises were made in connection with the alleged harassment.
8. Ascertain if the complainant knows of or suspects that there are other victims of harassment by the same person.
9. Ascertain whether the complainant has spoken to anyone, especially supervisors, about the harassment.
10. Ascertain what resolution would be acceptable to the complainant.
11. Interview the alleged harasser to get his or her side of the story, including any possible motivation for a false allegation.
12. Interview witnesses who were identified by the complainant regarding the alleged harasser or

other persons identified during the investigation.

13. Interview witnesses who were identified by the alleged harasser or other persons identified during the investigation.
14. Advise all participants that the investigation is "confidential" and not to engage in any retaliatory conduct or be subject to disciplinary action up to and including discharge.
15. Conduct follow up interviews, if warranted.
16. Prepare report of findings and discuss with management and designated legal staff.

III. RESPONDING TO THE COMPLAINT

- A. Following the completion of the fact-finding investigation, either the department head or the Director of Human Resources (or either of their designees), depending on who is responsible for the investigation, shall make a report of findings to the City Manager, along with a recommendation regarding the appropriate remedial action to be taken, if warranted. The recommendation shall be made after reviewing the findings of the investigation, giving consideration to all factual information, the nature of the alleged conduct, and the totality of the circumstances. If the investigation was conducted by the Director of Human Resources, the Director shall confer with the affected department head prior to making the report of findings and recommendation to the City Manager. If the investigation was conducted by the department head, the department head shall confer with the Director of Human Resources prior to making the report of findings and recommendation to the City Manager.
- B. If either the department head or the Director of Human Resources do not concur with the findings and recommendation of the other, the City Attorney (or designee) shall review and resolve the matter in dispute.
- C. The report of findings and recommendation to the City Manager shall be treated as a confidential document and no other distribution shall be made without first consulting with the City Attorney's Office.
- D. Either the department head or the Director of Human Resources (or either of their designees), depending on who is responsible for the investigation shall provide a written response to the complainant and the person alleged to have committed the misconduct. The response shall include a copy of the City's discrimination and harassment policy and a memorandum indicating the City's determination as to whether the complaint is:
 1. Unsustained: The investigation failed to disclose sufficient evidence to substantiate the allegation(s).
 2. Unfounded: The investigation proved that the act(s) or omission(s) complained of did not occur. The finding also applies when the individual employee(s) named in the complaint were not involved in the act(s) or omission(s) alleged.

3. Sustained: The investigation disclosed sufficient evidence to substantiate the allegation(s) made in the complaint; appropriate action will be taken.

E. Details regarding any specific fact-findings or disciplinary action to be taken will not be communicated to the complainant. The City Attorney shall review the response for legal sufficiency before dissemination.

F. The City shall close and retain the investigation file, in accordance with applicable laws, regulations, and City policy regarding retention of City records.

IV. DISCIPLINE

Disciplinary action imposed as a result of any investigation conducted pursuant to this policy shall be commensurate with the severity of the offense, up to and including discharge, even for a first offense.

V. ALTERNATIVE REMEDIES

If upon exhausting all internal remedies to file, investigate, and respond to a charges of discrimination/harassment, pursuant to title VII of the Federal Civil Rights Act of 1964 (42 U.S.C §§ 2000e et seq.), any person has a right to file a charge of discrimination/harassment with the Equal Employment Opportunity Commission ("EEOC"). In addition, pursuant to the California Fair Employment and Housing Act (Gov. Code §§ 12900 - 12996.) a person may also file a complaint of discrimination/harassment with the California Department of Fair Employment and Housing ("DFEH"). Employees who believe that they have been subjected to discrimination/harassment may file a complaint with either of these agencies. Both the EEOC and DFEH serve as neutral fact-finders and attempt to assist parties in resolving disputes voluntarily.

VI. COMMUNICATION OF POLICY

This policy shall be provided to all managers, supervisors, employees, volunteers, agents or contractors of the City and shall be posted in the appropriate places. All employees, as required by law, shall participate in City approved interactive harassment awareness training and education sessions at least once every two years, or as otherwise specified by law.

RELEVANT AUTHORITY

Title <Link>

RELATED CITY POLICIES

Title <CW.#>

RELATED FORMS, DOCUMENTS, OR LINKS

Form Title <Link>

FREQUENTLY ASKED QUESTIONS

<Populated by clarification or follow-up with policy contact.>

UPDATE HISTORY

<Date> – Major Revisions

NON-RETALIATION AND WHISTLEBLOWER PROTECTION

12.02.040

SUBJECT: Non-Retaliation, Whistleblower, Protection, Hotline	NUMBER: 12.02.040
RESPONSIBLE OFFICER: City Manager	EFFECTIVE DATE: <XX/XX/2015>
POLICY OWNER: Director of Human Resources	LAST UPDATED: <XX/XX/2015>
POLICY CONTACT: Director of Human Resources	APPROVED: SIGNATURE

POLICY

- 1) The City of Stockton does not tolerate retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.
- 2) It is the policy of the City of Stockton to prohibit retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.
- 3) This policy does not prohibit actions taken for non-discriminatory or non-retaliatory reasons, such as discipline for cause.
- 4) These guidelines are intended to supplement and not limit access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreements.
- 5) No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.
- 6) Retaliation includes any adverse action or conduct, including but not limited to:
 - a) Refusing to hire or denying a promotion.
 - b) Extending the probationary period.
 - c) Unjustified reassignment of duties or change of work schedule.
 - d) Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
 - e) Taking unwarranted disciplinary action.
 - f) Spreading rumors about the person filing the complaint or about the alleged wrongdoing.

- g) Shunning or unreasonable avoiding a person because he/she has engaged in protected activity.
- 7) Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor or manager, or the Director of Human Resources.
- 8) Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.
- 9) Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.
- 10) The City of Stockton will not retaliate, nor will it tolerate retaliation against those who, in good faith, report suspected ethics violations or who participate in an investigation of suspected ethics violations. An act of retaliation should be reported immediately to the Internal Auditor for referral to the Director of Human Resources, who will investigate any such report as a potential ethics violation. In addition, those who bring matters to the Internal Auditor are protected through the state Whistleblower Protection Act.
- 11) A "whistleblower" is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing or inquiry, where the employee has reasonable cause to believe that the information discloses:
- a) A violation of a state or federal statute,
 - b) A violation or noncompliance with a local, state or federal rule or regulation, or
 - c) With reference to employee safety or health, unsafe working conditions or work practices in the employee's employment or place of employment.
- 12) A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state or federal rule or regulation.
- 13) In accordance with California state law, whistleblowers are afforded the following protections:
- a) An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower.
 - b) An employer may not retaliate against an employee who is a whistleblower.
-

- c) An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.
- d) An employer may not retaliate against an employee for having exercised his or her rights as a whistleblower in any former employment.

14) Under California Labor Code Section 1102.5, if an employer retaliates against a whistleblower, the employer may be required to reinstate the employee's employment and work benefits, pay lost wages, and take other steps necessary to comply with the law.

RESPONSIBILITIES

SUPERVISORS AND MANAGERS RESPONSIBILITIES

- Remain familiar with this policy and ensure that members under their supervision are aware of its provisions.
- Respond to complaints, including but not limited to:
 - Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
 - Receiving all complaints in a fair and impartial manner.
 - Documenting the complaint and any steps taken to resolve the problem.
 - Acknowledging receipt of the complaint, notifying the Director of HR via the chain of command and explaining to the member how the complaint will be handled.
 - Taking appropriate and reasonable steps to mitigate any further violations of this policy.
 - Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
 - Periodic follow-up with the complainant to ensure that retaliation is not continuing.
 - Not interfering with or denying the right of a member to make any complaint.
 - Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

DEPARTMENT DIRECTORS AND CITY EXECUTIVE TEAM

- Communicate to all supervisors the prohibition against retaliation.
- Treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:
 - Communicating to all members the prohibition against retaliation.
 - The timely review of complaint investigations.
 - Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
 - The timely communication of the outcome to the complainant.

RELEVANT AUTHORITY

California Labor Code Section 1102.5

RELATED CITY POLICIES

XXX <XXX>

RELATED CITY PROCEDURES

XXX <XXX>

RELATED FORMS, DOCUMENTS, OR LINKS

Form Title <Link>

FREQUENTLY ASKED QUESTIONS


<Populated by clarification or follow-up with policy contact.>

UPDATE HISTORY

<XX/XX/2015> – Adopted

ALLEGATIONS OF WRONGFUL CONDUCT, MISMANAGEMENT AND OTHER COMPLAINTS

12.03

SUBJECT: Wrongful Conduct, Complaints, Mismanagement	NUMBER: 12.03
RESPONSIBLE OFFICER: City Manager	EFFECTIVE DATE: 2/20/2018
DIRECTIVE OWNER: City Manager	LAST UPDATED: 12/1/1989
DIRECTIVE CONTACT: City Manager	APPROVED:  Kurt O. Wilson

DIRECTIVE

- 1) The City of Stockton is committed to ensuring the integrity of its employees' and officers' conduct. As an affirmation of this commitment, the City of Stockton shall ensure that complaints alleging misconduct are responded to in an appropriate, consistent and prompt manner.
- 2) The City of Stockton shall maintain a process, and publicly disseminate information about the process, to assure the proper disposition of the complaint and that the rights of the complainant(s), as well as those of an employee(s), are protected concerning alleged misconduct on the part of any City employee or officer.
- 3) This process shall not diminish the opportunity of any person to lodge a complaint regarding any aspect of municipal government or the performance of City employees, nor shall it diminish any right of its employees provided by the Federal or State Constitution, Laws of the United States or State of California, or contracts in effect between the City and its employee organizations.
- 4) The responsibility and authority for developing and maintaining this process is hereby delegated to the Director of the Human Resources Department. This includes responsibility for maintaining policies regarding this process and disseminating information about this process.

RELEVANT AUTHORITY

N/A

FREQUENTLY ASKED QUESTIONS

N/A

UPDATE HISTORY

12/1/89 – Complaints of Alleged Misconduct on the Part of a City Employee or Officer - Per-27) Adopted By Resolution No. 89-0781.

COMPLAINTS OF ALLEGED MISCONDUCT

CITY EMPLOYEE OR OFFICER

12.03.010

SUBJECT: Conduct, Code, Professional, Standards	NUMBER: 12.03.010
RESPONSIBLE OFFICER: City Manager	EFFECTIVE DATE: 12/1/1989
POLICY OWNER: Director of Human Resources	LAST UPDATED: <XX/XX/2015>
POLICY CONTACT: Director of Human Resources	APPROVED: SIGNATURE

POLICY

- 1) The City of Stockton has a responsibility to conduct its affairs ethically and in compliance with the law and ensure that employees maintain and improve on the quality and integrity of the services they provide. It is important to create various methods for employees and the public to express concerns as well as maintain a process for responding to these concerns.
- 2) The City of Stockton, led by the Human Resources Department, shall maintain a process, and publically disseminate information about the process regarding the treatment and disposition of complaints.
- 3) The process shall assure the proper disposition of the complaint and that the rights of the complainant(s), as well as those of an employee(s), are protected concerning alleged misconduct on the part of any City employee or officer.
- 4) This process shall not diminish the opportunity of any person to lodge a complaint regarding any aspect of municipal government or the performance of City employees, nor shall it diminish any right of its employees provided by the Federal or State Constitution, Laws of the United States or State of California, or contracts in effect between the City and its employee organizations.

REPORTING MECHANISMS

- 5) Direct Supervisors or Department Directors:
Issues of all varieties can be reported to direct supervisors or Department Directors. Supervisors and Department Directors are responsible for appropriately routing concerns for follow up or investigation. If employees do not feel comfortable reporting to these individuals, other reporting methods are available.
- 6) Human Resources Department:
Complaints or allegations of misconduct related to discrimination, harassment, and denial of equal employment opportunities (EEO) can be reported to the Human Resources Department.
- 7) Ethics Hotline:
Complaints or allegations of misconduct related fraud, waste, or abuse can be reported to through the Ethics Hotline via secure website or toll free hotline (aka Whistleblower Hotline).
Complaints may include, but are not limited to:
 - a) Embezzlement

- b) Contract fraud
- c) Vendor kickbacks
- d) Loss or waste of city money or property
- e) Falsified documents

INVESTIGATION PROCESS

- 8) The type of allegation or complaint of misconduct will determine the investigative process and individuals involved.
 - a) Discrimination, Harassment, Denial of EEO, Grievable Labor Issues: TBD- Human Resources
 - b) Other Misconduct: TBD
 - c) Fraud, Waste, Theft, or Misuse of City Assets: TBD

CITY COUNCIL MEETINGS

- 9) Complaints have been filed with the City Council alleging misconduct on the part of a City employee or Public Safety Officer. A member of the City Council or the community may request such an investigation by referring the matter to the appointing authority for investigation.
- 10) City Council shall refrain from receiving complaints at City Council meetings which allege misconduct on the part of any City employee or officer unless both of the following conditions have been met:
 - i) The person wishing to address the Council has exhausted his/her administrative remedies-- meaning a complaint has been lodged with the appointing authority and the complainant has received a response from the appointing authority stating the disposition of the complaint; or,
 - ii) The City Council has instructed the City Manager to list a complaint on the Council's agenda.
- 11) Complaints filed with the City Council alleging misconduct on the part of any City employee or officer shall be referred to the appointing authority without comment or evaluation.
- 12) If the complaint appears to involve litigation or potential litigation, the appointing authority shall be responsible for notifying the City Attorney.
- 13) The Department Director to whom such a complaint is referred shall cause it to be investigated and shall report the results to the appointing authority.
- 14) The appointing authority shall review the results of the investigation and submit a report to the City Council in accordance with this policy.
- 15) The City Council may refer the matter to an appropriate Council Committee for review, which shall act to protect the rights of the complainant as well as those of the employee; or, may elect to direct the appointing authority to conduct an independent investigation of a complaint if a majority of the City Council is dissatisfied with the previous investigation conducted by the Department Director or officer to which it was assigned.

REPORTING

- 16) A written report shall be submitted to the appointing authority who shall report said findings to the City Council for action as described above.
- 17) However, when a complaint involves current or potential litigation, or clear possibility of same, a closed session may be requested for discussion of the investigation and conclusion. The advice of the City Attorney shall be requested in this regard.

RESPONSIBILITIES

City Employees

- TBD

Direct Supervisors and Department Directors

- TBD

Human Resources Department

- TBD

City Council

- TBD

City Attorney

- TBD

RELEVANT AUTHORITY

Title <Link>

RELATED CITY POLICIES

XXX <XXX>

RELATED CITY PROCEDURES

XXX <XXX>

RELATED FORMS, DOCUMENTS, OR LINKS

Ethics Hotline <Link>

FREQUENTLY ASKED QUESTIONS

<Populated by clarification or follow-up with policy contact.>

UPDATE HISTORY

<XX/XX/2015> – Major Revisions

12/1/89 – Complaints of Alleged Misconduct on the Part of a City Employee or Officer - Per-27) Adopted By Resolution No. 89-0781.

NON-RETALIATION AND WHISTLEBLOWER PROTECTION

12.03.020

SUBJECT: Non-Retaliation, Whistleblower, Protection, Hotline	NUMBER: 12.02.040
RESPONSIBLE OFFICER: City Manager	EFFECTIVE DATE: <XX/XX/2015>
POLICY OWNER: Director of Human Resources	LAST UPDATED: <XX/XX/2015>
POLICY CONTACT: Director of Human Resources	APPROVED: SIGNATURE

POLICY

- 1) The City of Stockton does not tolerate retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.
- 2) It is the policy of the City of Stockton to prohibit retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.
- 3) This policy does not prohibit actions taken for non-discriminatory or non-retaliatory reasons, such as discipline for cause.
- 4) These guidelines are intended to supplement and not limit access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreements.
- 5) No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.
- 6) Retaliation includes any adverse action or conduct, including but not limited to:
 - a) Refusing to hire or denying a promotion.
 - b) Extending the probationary period.
 - c) Unjustified reassignment of duties or change of work schedule.
 - d) Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
 - e) Taking unwarranted disciplinary action.

- f) Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
 - g) Shunning or unreasonable avoiding a person because he/she has engaged in protected activity.
- 7) Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor or manager, or the Director of Human Resources.
- 8) Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.
- 9) Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.
- 10) The City of Stockton will not retaliate, nor will it tolerate retaliation against those who, in good faith, report suspected ethics violations or who participate in an investigation of suspected ethics violations. An act of retaliation should be reported immediately to the Internal Auditor for referral to the Director of Human Resources, who will investigate any such report as a potential ethics violation. In addition, those who bring matters to the Internal Auditor are protected through the state Whistleblower Protection Act.
- 11) A "whistleblower" is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing or inquiry, where the employee has reasonable cause to believe that the information discloses:
- a) A violation of a state or federal statute,
 - b) A violation or noncompliance with a local, state or federal rule or regulation, or
 - c) With reference to employee safety or health, unsafe working conditions or work practices in the employee's employment or place of employment.
- 12) A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state or federal rule or regulation.
- 13) In accordance with California state law, whistleblowers are afforded the following protections:
- a) An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower.
 - b) An employer may not retaliate against an employee who is a whistleblower.
 - c) An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a state or federal statute, or a violation or noncompliance with a state

or federal rule or regulation.

- d) An employer may not retaliate against an employee for having exercised his or her rights as a whistleblower in any former employment.

14) Under California Labor Code Section 1102.5, if an employer retaliates against a whistleblower, the employer may be required to reinstate the employee's employment and work benefits, pay lost wages, and take other steps necessary to comply with the law.

RESPONSIBILITIES

SUPERVISORS AND MANAGERS RESPONSIBILITIES

- Remain familiar with this policy and ensure that members under their supervision are aware of its provisions.
- Respond to complaints, including but not limited to:
 - Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
 - Receiving all complaints in a fair and impartial manner.
 - Documenting the complaint and any steps taken to resolve the problem.
 - Acknowledging receipt of the complaint, notifying the Director of HR via the chain of command and explaining to the member how the complaint will be handled.
 - Taking appropriate and reasonable steps to mitigate any further violations of this policy.
 - Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
 - Periodic follow-up with the complainant to ensure that retaliation is not continuing.
 - Not interfering with or denying the right of a member to make any complaint.
 - Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

DEPARTMENT DIRECTORS AND CITY EXECUTIVE TEAM

- Communicate to all supervisors the prohibition against retaliation.
- Treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:
 - Communicating to all members the prohibition against retaliation.
 - The timely review of complaint investigations.
 - Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
 - The timely communication of the outcome to the complainant.

RELEVANT AUTHORITY

California Labor Code Section 1102.5

RELATED CITY POLICIES

XXX <XXX>

RELATED CITY PROCEDURES

XXX <XXX>

RELATED FORMS, DOCUMENTS, OR LINKS

Form Title <Link>

FREQUENTLY ASKED QUESTIONS

<Populated by clarification or follow-up with policy contact.>

UPDATE HISTORY

<XX/XX/2015> – Adopted

SUBJECT: Citizen Complaint, Citizen Inquiry, Customer Service	NUMBER: 13.02.010
RESPONSIBLE OFFICER: City Manager	EFFECTIVE DATE: 09/16/2006
POLICY OWNER: City Manager	LAST UPDATED: <XX/XX/2015>
POLICY CONTACT: Public Information Officer	APPROVED: SIGNATURE

POLICY

- 1) It is the policy of the City Manager to respond to all citizen complaints and/or inquiries whenever appropriate.
- 2) At times, City departments are directed, by memorandum, to prepare response letters for the City Manager's signature. In order to ensure prompt responses to citizens, departments are directed to adhere to the due dates set forth in the memorandum.
- 3) Adhere to the related policies and procedures (Correspondence: External <13.03.040>, Internal Correspondence <13.04.020>) when preparing correspondence for the City Manager's signature.

RESPONSIBILITIES

Departments

- Prepare response letters – per memorandums – for City Manager's signature

RELEVANT AUTHORITY

Title <Link>

RELATED CITY POLICIES

Communications Training <13.01.010>
Public Disclosure and Public Records <13.01.020>
Press & Media <13.03.010>
Web Site Policy <13.03.020>
Web Site Privacy Policy <13.03.040>
Correspondence: External <13.03.050>
Reporting to the City Council <13.04.010>
Internal Correspondence <13.04.020>
City Logo and Manual of Graphic Standards <13.05.010>

RELATED CITY PROCEDURES

Media Contact <13.03.010.01>

Press Releases <13.03.010.02>

Fact Sheets <13.03.010.03>

Web Site Content <13.03.020.01>

External Communications <13.03.050.01>

Procedures for Reporting to City Council <13.04.010.01>

Correspondence: Internal (Memorandum) <13.04.020.01>

RELATED FORMS, DOCUMENTS, OR LINKS


Form Title <Link>

FREQUENTLY ASKED QUESTIONS

<Populated by clarification or follow-up with policy contact.>

UPDATE HISTORY

<XX/XX/2015> – Major Revisions

SUBJECT: Fraud, Waste, Misconduct, Ethics	NUMBER: 17.02.040
RESPONSIBLE OFFICER: CFO, Administrative Service Department, City Treasurer	EFFECTIVE DATE: 4/09/2018
POLICY OWNER: CFO, Administrative Services Department, City Treasurer	LAST UPDATED:
POLICY CONTACT: CFO, Administrative Services Department, City Treasurer	APPROVED:  Kurt O. Wilson

POLICY

- 1) The City of Stockton prohibits financial misconduct by the City Council, its Committees, its employees, its contractors, its volunteers and others responsible for carrying out the City's activities.
- 2) Financial misconduct includes, but is not limited to, the following:
 - a) Actions that violate the City's Code of Ethics, and any underlying policies, or any of City's accounting and financial policies;
 - b) Abuse of power, such as using one's position to coerce, threaten, intimidate, or improperly influence an individual or individuals to provide personal, financial or political benefit to oneself or immediate family, or someone they have business or financial ties to, or for any other purpose, or using one's official title in City government to conduct personal business;
 - c) Unauthorized participation or involvement in administration and operations, including, but not limited to, business, program, law enforcement, employment, and personnel decisions;
 - d) Unauthorized participation or involvement in any City-funded, grant-funded, or City-managed operations, including, but not limited to, business, employment, and personnel decisions;
 - e) Misappropriation, misuse, loss or waste of City funds or property;
 - f) Impropriety in the handling or reporting of money in financial transactions;
 - g) Unauthorized disclosure, concealing, removing, mutilating, or destroying City records, or copying City records for improper purposes;
 - h) Falsification of City records or other documents;
 - i) Committing perjury, fraud or forgery;
 - j) Violating the City's municipal code, local ordinances, resolutions, rules, regulations or policies;
 - k) Any other acts prohibited by federal, or state law; and
 - l) Failure to report known instance of misconduct in accordance with the reporting responsibilities described herein (including tolerance by supervisory employees of misconduct of subordinates).

All known or alleged instances of misconduct shall be reported in accordance with City administrative directives and policy. (*Administrative Directive - Reporting Wrongful Conduct, Mismanagement, and Administrative Complaints: 12-03*)

RESPONSIBILITIES

Director of Administrative Services/ CFO

- Investigate reported instances of financial misconduct, fraud, waste, or abuse

Internal Auditor

- Conduct periodic risk assessments of City departments and programs
- Conduct regular internal control reviews of City programs

Department Heads and Managers

- Participate in investigations of reported instances of financial misconduct, fraud, waste, or abuse

Human Resources Department

- Participate in investigations of reported instances of financial misconduct, fraud, waste, or abuse

City Employees

- Report instances of known or suspected financial misconduct, fraud, waste, or abuse through the City's fraud hotline or to a manager or department head

RELATED POLICIES

12.02.010 Code of Conduct for City Employees

12.02.050 Use of City Property and Resources

12.03.010 Complaints Of Alleged Misconduct City Employee Or Officer

12.03.020 Non-Retaliation and Whistleblower Protection

RELATED CITY PROCEDURES

The City Auditor's Office monitors an Ethics Hotline, which is available to all City employees. This hotline is intended for reporting instances of fraud, waste, and abuse.

Non-fraud related reports may be referred to the responsible department for handling. Reports related to harassment, discrimination, or grievance labor issues should be forwarded to the Human Resources Department.

The Ethics Hotline phone number is 1-888-269-8704 or a report can be filed on the EthicsPoint website (select the "MAKE A REPORT" link at the top of the page):

<https://secure.ethicspoint.com/domain/media/en/gui/19034/index.html>

The City Auditor can also be contacted directly via: City.Auditor@stocktonca.gov

RELATED FORMS, DOCUMENTS, OR LINKS

See above.

FREQUENTLY ASKED QUESTIONS

N/A

UPDATE HISTORY

N/A
