

EASTERN SIERRA TRANSIT AUTHORITY

Sexual Harassment Policy

Sexual harassment is against the law.

ESTA's Policy on Sexual Harassment:

The Eastern Sierra Transit Authority intends to provide employees with a positive working environment based on trust and mutual respect, free from harassment. Sexual harassment, conduct directed at someone because of gender or any other conduct of an intimidating or personally offensive nature is strictly forbidden and will not be tolerated.

No manager or supervisor may threaten that an employee's submission to or rejection of sexual advances will influence wages, advancement, or any other term or condition of employment. No employee may engage in the sexual harassment of anyone with whom the employee must interact as job responsibilities are performed.

Incidents and complaints of harassment will be promptly and thoroughly investigated. When harassment is found to have occurred, ESTA will take prompt and appropriate disciplinary action against the harasser(s) who are employees, up to and including termination. When harassers are not employees, ESTA will take whatever action is within its power to investigate and eliminate the problem.

Any employee who feels he/she has been harassed, or who is aware of another employee, who has, is encouraged to immediately contact one of our organization's representatives responsible for receiving such complaints (listed below). Managers and supervisors who witness or otherwise become aware of incidents or complaints or harassment must immediately report them to the Executive Director or his designee; failure to do so will result in disciplinary action up to and including termination.

No action will be taken against an employee who submits a complaint he/she believes to be valid no matter what the outcome of the investigation. Should anyone employed by or affiliated with ESTA retaliate against an employee because the employee made a complaint or cooperated in an investigation, ESTA will take appropriate disciplinary or other action calculated to stop the retaliation and prevent its recurrence.

The policy applies to all employees full-time, part-time, temporary, elected, at-will, civil service, and non-civil service. It also applies to contractors, vendors, and others who have relationships with ESTA.

Cooperation is Required:

The prevention of sexual harassment and the resolution of sexual harassment issues require the cooperation and support of all ESTA personnel. Everyone is expected to

conduct himself/herself in accordance with this policy, to behave in a manner that does not cause valid claims of sexual harassment, to promptly report incidents and complaints harassment to one of the ESTA's designated representatives (see page 4), and to cooperate with investigations of sexual harassment issues.

Managers and supervisors are to:

- Set an example of appropriate conduct whenever and wherever they interact with employees,
- Maintain a work environment that is harassment free,
- Ensure all personal decisions and actions are made in accordance with the provisions of the ESTA's sexual harassment policy,
- Communicate the sexual harassment policy to employees, contractors, and vendors,
- Promptly report sexual harassment complaints and incidents to the Executive Director or his designee,
- Cooperate in the implementation of corrective action following an investigation, and avoid any conduct that could be perceived as retaliatory against complainants and other employees who cooperate in investigations.

What is sexual harassment?

Sexual harassment is defined as follows:

The Equal Employment Opportunity Commission (EEOC) Guidelines on Discrimination based on sex states:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment."

Thus, as defined by law, sexual harassment includes unwanted sexual advances, or visual, verbal, or physical conduct of sexual nature. It includes suggestive remarks, unwanted touching, and pressure for sexual favors.

The Sexual Harassment Policy applies to conduct between a supervisor and an employee. It also applies to conduct with individuals outside the organization with whom an employee must interact in the performance of job responsibilities, wherever work is being performed.

There are two types of illegal sexual harassment, quid pro quo and hostile work

environment. Quid pro quo is harassment that affects any aspect of an employee's terms or conditions of employment. Hostile work environment is sexual harassment that creates a "hostile, intimidating, or offensive environment." A hostile environment can be created by verbal harassment (such as slurs or derogatory comments), physical harassment (such as offensive touching or interference with movement) and visual harassment (such as derogatory drawings or cartoons). Generally, valid work environment complaints must consist of more than one incident, unless a single incident consists of outrageous conduct.

Both opposite sex and same sex harassment are prohibited.

Example of Sexual Harassment

Examples of behaviors that would be considered sexual harassment:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances

Verbal conduct considered harassment:

- Making or using derogatory comments, epithets, slurs or jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature
- Graphic verbal commentaries about an individual's body
- Sexually degrading words used to describe an individual
- Suggestive or obscene letters, notes, or invitations
- Turning work discussions into sexual discussions
- Asking about sexual fantasies, preferences, or history
- Asking personal questions about sexual life
- Making sexual comments about a person's clothing, body or looks
- Telling lies or spreading rumors about a person's sex life

Visual conduct considered harassment:

- Leering (looking at someone in a sexually suggestive manner)
- Making sexual gestures
- Displaying objects, pictures, cartoons, clothing, or posters that are sexually suggestive or that depict men or woman in a sexually suggestive or derogatory manner
- Having sexually suggestive software on a work computer

Physical conduct considered harassment:

- Touching
- Assault

- Impeding or blocking movement
- Hanging around a person
- Unwanted messages or a sexually nature
- Standing closer than appropriate or necessary for the work being done
- Patting, caressing, fondling, or goosing
- Touching or rubbing oneself sexually, around or in view of another person

If you have a question about whether particular conduct is sexual harassment, contact one of your organization's representatives listed below. If you wish, you may ask a question without revealing your identity.

How to Prevent/Stop Sexual Harassment on Your Own:

If you feel someone is harassing you, let that person know how you feel, as directly as possible and as soon as possible. Tell the person what behavior you find offensive and say what you want or don't want to happen, such as "Please don't tell me jokes like that."

However, if for any reason you are not comfortable trying to stop the harassment on your own make a complaint as explained below.

How to Respond if Someone Tells You Your Behavior is Bothering Them:

If another employee, or anyone with who you come in contact with while performing your job tells you your behavior is making them uncomfortable:

- a) Take their word for it.
- b) Don't argue or be defensive. (However, it is ok to ask clarifying questions if you are not sure what behavior is offensive.)
- c) Thank them for telling you and let them know you will stop the offensive behavior.
- d) Be certain not to repeat the behavior that was offensive.

How to Make a Complaint:

If you feel you have been the subject of sexual harassment and are uncomfortable or unsuccessful in stopping harassment on you own, this is what you should do:

1. Contact (by phone, mail or in person):

Our Organization's Representatives for Complaints:

Names: Monicka Watterson
 Title: Director
 Location: 703 Airport Road
 Bishop, CA 93514
 760-872-1901, 800-922-1930, 760-920-2949

2. In the event you are not satisfied with the outcome and feel you need further

assistance, you may contact the California Department of Fair Employment and Housing (DFEH). It serves as a neutral fact finder to help individual employees resolve sexual harassment complaints. To find the office nearest you, look in the phone book under State of California, Department of Fair Employment and Housing.

3. If you feel you further assistance, you can also go to the Equal Employment Opportunity Commission (EEOC) or to an attorney.

What Will Happen When You Contact One of Your Organization's Representatives:

The Executive Director or Director is responsible for receiving, investigating, and resolving complaints and incidents of harassment.

1. ESTA's representative will take with you to learn about your concerns and obtain information needed to investigate the concerns. In the event allegations are directed toward a member of the Board of Directors, the Executive Director or Director, ESTA intends to utilize a third party independent fact finder to conduct the investigation.
2. Your complaint will be promptly and thoroughly investigated. The investigation will include obtaining information from whomever you believe has been harassing you and anyone who may have been a witness to the harassment. The investigation will be kept as confidential as possible.
3. If harassment is found to have taken place, prompt and appropriate corrective action will be taken. The goal of the corrective action is to immediately stop the harassment and prevent its recurrence, and to prevent retaliation.
4. You will be informed of the outcome, and the ESTA's representative will follow up with you to see that no further harassment takes place.
5. No matter what the outcome of the investigation, no action will be taken against you because you have made a complaint, so long as you believed the complaint to be valid. Such a complaint will not affect your employment in any way.