



POLICY AGAINST HARASSMENT, DISCRIMINATION, AND RETALIATION

Purpose

The purpose of this Policy is to: establish a strong commitment to prohibiting and preventing discrimination, harassment, and retaliation in employment; to define those terms; and to set forth a procedure for investigating and resolving internal complaints. The CPUC encourages all covered individuals to report, as soon as possible, any conduct that is believed to violate this Policy.

Policy

The CPUC does not tolerate any harassment or discrimination against an applicant, unpaid intern, volunteer, employee, or Commissioner by an employee, supervisor, management employee, Commissioner, member of the public, or contractor on the basis of race, religion, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), or any other protected classification as defined below.

The CPUC does not tolerate any retaliation against a person for filing a complaint, opposing harassment or discrimination, or participating in the complaint resolution process.

This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, transfer, leave of absence, compensation, and training.

The CPUC does not tolerate any conduct that violates this Policy. Conduct need not rise to the level of a violation of law to violate this Policy. Instead a single act can violate this Policy. Disciplinary action or other appropriate corrective action up to and including dismissal will be taken for prohibited behavior as defined below.

Definitions

- A. *Protected Classifications:* This Policy prohibits harassment or discrimination because of an individual's protected classification. "Protected Classification" includes race, religion, color, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, genetic characteristics or information, military and veteran status, and physical or mental disability.
- B. *Policy Coverage:* This Policy prohibits the CPUC, Commissioners, employees, unpaid interns, volunteers, or contractors from harassing or discriminating against applicants, Commissioners, employees, unpaid interns, volunteers, or contractors because of: 1) an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.



- C. *Discrimination*: This Policy prohibits treating individuals differently because of the individual's protected classification as defined in this Policy. Excluded from this definition is reasonable accommodation for a disability.
- D. Harassment may include, but is not limited to, the following types of behavior taken because of a person's protected classification. Note that harassment is not limited to conduct that the CPUC's employees take. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as Commissioners or persons providing services under contracts, or even members of the public:
- (1) Speech, such as epithets, derogatory comments or slurs, and propositioning on the basis of a protected classification. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.
 - (2) Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes pinching, grabbing, patting, leering, or making explicit or implied job threats or promises in return for submission to physical acts.
 - (3) Visual acts, such as derogatory posters, cartoons, emails, pictures, or drawings related to a protected classification.
 - (4) Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.
- E. *Guidelines for Identifying Harassment*: To help clarify what constitutes harassment in violation of this Policy, use the following guidelines:
1. Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.
 2. It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
 3. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. The fact that no one is complaining now does not preclude anyone from complaining about the conduct in the future.

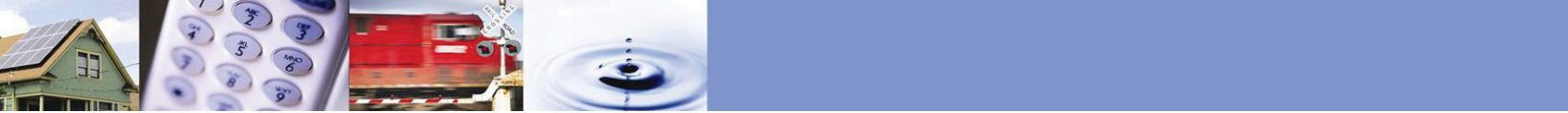


4. Even visual, verbal, or physical conduct between two employees who appear to welcome the conduct can constitute harassment of a third party who observes the conduct or learns about the conduct later when the conduct relates to a protected classification. Conduct can constitute harassment even if it is not specifically directed at an individual.
 5. Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, excessive attention, endearing nicknames, massages, etc.).
- F. Retaliation: Any adverse conduct taken because a person subject to this Policy has reported harassment or discrimination, or has participated in the complaint and investigation process described herein, is prohibited. "Adverse conduct" may include but is not limited to: spreading rumors about a complaint, shunning and avoiding an individual who reports harassment or discrimination, or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. Those who make good faith reports of harassment or discrimination, and those who associate with an individual who is involved in reporting harassment or discrimination or who participates in the complaint or investigation process, are protected from retaliation.

Complaint Procedure

- (A) An employee, Commissioner, job applicant, unpaid intern, volunteer, or contractor who believes he or she has been harassed, discriminated against, or retaliated against in violation of this Policy may make a complaint verbally or in writing with any of the following. There is no requirement to follow the chain of command:
- 1) Immediate supervisor;
 - 2) Any supervisor or manager within or outside of the Division;
 - 3) EEO Officer, or
 - 4) Director of Human Resources.
- (B) Any supervisor or manager who receives a harassment, discrimination, or retaliation complaint must notify the EEO Officer (EEOconcerns@cpuc.ca.gov) or the Director of Human Resources immediately.
- (C) Upon receiving notification of a harassment, discrimination, or retaliation complaint, the EEO Officer or the Director of Human Resources shall gather information regarding the factual allegations in order to initiate an appropriate investigation. An investigation will generally include a review of relevant documents and interviews with: 1) the complainant; 2) the accused, 3) other persons who have relevant knowledge concerning the allegations in the complaint.

If a finding is made that an employee has engaged in conduct that violates this Policy, appropriate corrective action will be taking. The type of corrective action taken will not be communicated to the person who made the complaint.



- (D) The CPUC takes a proactive approach to potential Policy violations and will conduct an investigation if it becomes aware that conduct in violation of this Policy may be occurring. A specific complaint is not necessary for an investigation to be initiated.
- (E) An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (www.eeoc.gov) or the California Department of Fair Employment and Housing (www.dfeh.ca.gov). These administrative agencies have their own complaint and investigation process.

Confidentiality

Every possible effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot be guaranteed however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. Under certain circumstances, an individual who is interviewed during the course of an investigation may be prohibited from discussing the substance of the interview. Any individual who discusses the content of an investigatory interview when directed not to may be subject to discipline or other appropriate sanction. The employer will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

Responsibilities

Each CPUC employee, contractor, or volunteer is responsible for:

1. Conducting him/herself in accordance with this Policy.
2. Treating all those working with or for the CPUC with respect and courtesy.
3. Participating in periodic training as required.
4. Fully cooperating with the employer's investigations by responding fully and truthfully to all questions posed during the investigation.
5. Maintaining the confidentiality of any investigation that the employer conducts by not disclosing the substance of any investigatory interview when directed to maintain confidentiality.

Managers and Supervisors are additionally responsible for:

1. Informing employees of this Policy and modeling appropriate behavior in keeping with the Policy.
2. Reporting potential violations of this Policy of which he or she becomes aware, regardless of whether a complaint has been submitted to the Human Resources Department or the department head.
3. Taking all steps necessary to prevent harassment, discrimination, or retaliation from occurring.
4. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
5. Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
6. Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.



7. Assisting, advising, or consulting with employees and the Human Resources Director regarding this Policy and Complaint Procedure.
8. Assisting in the investigation of complaints as needed.
9. Recommending and implementing appropriate corrective actions, if a complaint is substantiated.

Dissemination of Policy

The current Policy is available on our intranet to employees at any time, and may be updated from time to time and redistributed periodically.