



POLICY AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION

I. GENERAL PURPOSE

Delta Conveyance Design and Construction Authority (“DCA”) is committed to maintaining a work environment that respects all individuals and is free from discrimination, harassment, and retaliation. All employees, applicants, volunteers, and independent contractors (“workers”) working for and with the DCA are to be treated with respect and dignity. The purpose of this Discrimination, Harassment, and Retaliation Prevention Policy (“Policy”) is to establish a strong commitment to (1) prohibit harassment, discrimination, and retaliation; (2) define discrimination, harassment, and retaliation; and (3) set forth a procedure for reporting and resolving such internal complaints. The DCA will not tolerate harassment or discrimination against any workers on the basis of race (including hairstyles associated with race), color, religion (including dress and religious grooming), gender (including pregnancy, childbirth, breastfeeding and related medical conditions), gender identity, gender expression, national origin, ancestry, citizenship, age, marital status, physical and/or mental disability, medical condition, genetic information, sexual orientation, military or veteran status, or any other basis protected by law.

II. POLICY AGAINST DISCRIMINATION AND HARASSMENT

Discrimination against or harassment of a worker by another worker, contractor, or third party with whom the worker comes into contact on any legally-protected basis identified above is strictly prohibited and will not be tolerated. The DCA will not tolerate sexual or other harassment of its workers by others with whom the DCA has a business, service, or professional relationship.

The DCA also prohibits retaliation of any type against those who make good faith reports of violations of this policy or those who provide information during an investigation of any such reported violations.

III. DEFINITION OF HARASSMENT

Harassment includes verbal, physical, and visual conduct that interferes with work performance or which creates an intimidating, offensive or hostile working environment based on one of the areas protected by law as listed above. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;

- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual, such as hiring, promotion, salary, performance reviews, etc.; or
- C. 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.

Unwanted sexual conduct or other harassment constitutes harassment in violation of this policy regardless of the gender of the harasser and the victim. For example, while sexual harassment is most often thought to involve a male harasser and a female victim, unwanted sexual conduct by a female to a male worker, and unwanted sexual conduct by one worker to another worker of the same gender, would constitute sexual harassment in violation of this policy.

Retaliation includes actions taken against an individual for filing a complaint or participating in the resolution process of the complaint.

IV. SPECIFIC EXAMPLES OF HARASSMENT

Examples of harassment are described below. For purposes of this section, "protected status" includes the legally protected bases listed in Section I above. This Policy prohibits harassment in any form, including:

Verbal

Inappropriate or offensive or derogatory remarks, epithets, slurs, jokes or innuendos based on an individual's protected status. This may include inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy, or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or statements that convey derogatory attitudes about a particular gender, race, religion, disability or any other protected status.

Physical

Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual on the basis of protected status. This may include kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or making sexual gestures.

Visual or Written

The display or circulation of offensive or derogatory visual or written material related to protected status. This may include posters, cartoons, drawings, graffiti, reading materials, computer graphics, e-mail or text messages, or electronic media transmissions.

Environmental

A work environment that is permeated with sexually-oriented talk, innuendo, insults or abuse not relevant to the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements. An environment may be hostile if unwelcome sexual behavior is directed specifically at an individual. Even if the behavior is not directed at anyone

in particular, an environment can still be hostile if the individual witnesses unlawful harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency and/or severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's work.

V. WORKPLACE RELATIONSHIPS

The DCA desires to avoid misunderstandings, complaints of favoritism or lack of objectivity, possible claims of sexual harassment, and the morale and dissension problems that potentially result from romantic relations between workers. Romantic relationships between workers where one worker is subordinate to or takes direction from the other are strongly discouraged in order to prevent an inherent balance of power and potential for exploitation in such relationships.

VI. COMPLAINT PROCEDURE

The DCA's intent is to resolve issues at the earliest possible opportunity. Workers should immediately report any conduct they believe violates this Policy. This includes conduct a worker personally experiences or directly observes. Working with the public can be challenging and sometimes contentious. While DCA workers are expected to interface with the public as their duties dictate (sometimes in difficult or even volatile situations), workers are not expected to endure actual harassment by members of the public. The key is to report the concern as soon as possible because nothing can be done to remedy the situation if the DCA does not know it exists. If a worker is experiencing conduct that is inappropriate, violates this Policy or potentially in violation of this Policy, the worker is expected to immediately report such conduct orally or in writing to any of the following:

- DCA Human Resources Manager
- Chief of Staff
- Executive Director
- Project Lead
- Employer's Human Resources Department

Upon receipt of a complaint regarding conduct that violates or may violate this Policy, the DCA will immediately contact the employer(s) of workers impacted and collaborate on appropriate investigation and remedial action as warranted. DCA Human Resources will ensure appropriate communication among the parties involved occurs as needed until resolution of the issue(s). Workers are expected to cooperate with any inquiry arising out of a complaint made pursuant to this Policy.

VII. RESOURCES

Internal Contacts

The DCA wants to resolve any issues related to harassment or discrimination as soon as possible. Pursuant to the DCA’s Policy Against Discrimination, Harassment and Retaliation, below is a list of internal resources a worker may contact to help resolve the issue:

Any Project Lead with whom you work

DCA Human Resources Manager - (310) 729-5197

Chief of Staff - (916) 616-7141

Executive Director – (916) 860-4776

Outside Agency Resources

In the event the worker is unable to resolve the issue internally, the worker may also contact:

California State Civil Rights Department (California state agency)

Phone: (800) 884-1684

TTY: (800) 700-2320

www.dfeh.ca.gov

Equal Employment Opportunity Commission (Federal agency)

Phone: (800) 669-4000

TTY: (800) 669-6820

www.eeoc.gov

VIII. MISCELLANEOUS

The DCA may allow alternative procedures for complaints, investigations, and remedial efforts made pursuant to this Policy as the Human Resources Manager, Chief of Staff, General Counsel, and Executive Director deem appropriate under particular circumstances.

This Policy may be periodically amended to ensure its consistency with state or federal legal requirements.

The DCA will provide training to its workers regarding this Policy, the laws prohibiting discrimination, harassment and retaliation in the workplace, and the reporting and complaint procedure outlined in this Policy as well as regarding the DCA’s prohibition against general abusive treatment or “bullying” in the workplace.

Adopted: 10/20/22, DCA Board Meeting

BOARD OF DIRECTORS OF THE DELTA CONVEYANCE
DESIGN AND CONSTRUCTION AUTHORITY
RESOLUTION NO. 22-08

Introduced by Director: Gary Martin
Seconded by Director: Tony Estremera

ADOPTING A POLICY AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION

WHEREAS, federal and state law prohibits discrimination, harassment, and retaliation; and

WHEREAS, the Delta Conveyance Design and Construction Authority (DCA) wishes a policy to ensure the prevention of discrimination, harassment, and retaliation at DCA facilities; and

Now, therefore, the Board of Directors hereby resolves as follows:

1. RECITALS

The above recitals are incorporated into this Resolution by reference.

2. ADOPTION OF POLICY

The Board of Directors hereby adopts the attached Policy Against Discrimination, Harassment and Retaliation.

3. EFFECTIVE DATE

This Resolution shall be effective upon its adoption.

* * * * *


This Resolution was passed and adopted this 20th day of October 2022, by the following vote:

Ayes: 7

Noes: 0

Absent: 0

Abstain: 0

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Sarah Palmer, Board President

Attest:

DocuSigned by:
 10/27/2022
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Gary Martin, Secretary