



City Manager's Approval: _____

THE CITY OF POMONA

ADMINISTRATIVE POLICIES AND PROCEDURES

RETALIATION

I. PURPOSE

To prohibit City of Pomona officials, officers, employees, or contractors from retaliating against applicants, officers, officials, employees, or contractors because of any of the protected activities as defined herein.

II. APPLICABILITY

This Policy applies to City of Pomona officials, officers, full-time and hourly/part-time employees, applicants, and contractors.

III. POLICY

The City of Pomona prohibits the taking of any adverse employment action against those who "in good faith" report, oppose, or participate (as witnesses or accused) in investigations into complaints of alleged violations of City of Pomona Policy or State or Federal law in retaliation for that reporting, opposition, or participation. Disciplinary action, up to and including termination of employment, will be taken against an employee or officer who is found to have violated this Policy. Any elected official or contractor who violates this Policy will be subject to appropriate sanctions.

IV. DEFINITIONS

A. "*Protected Activity*" includes any of the following:

1. Filing a complaint with a Federal or State enforcement or administrative agency.
2. Participating in, or cooperating, with a Federal or State enforcement agency that is conducting an investigation of the City of Pomona regarding alleged unlawful activity.
3. Testifying as a part, witness, or accused regarding alleged unlawful activity.

RETALIATION (*Continued*):

4. Associating with another employee who is engaged in any of the protected activities enumerated herein.
 5. Making or filing an internal complaint with the City of Pomona regarding alleged unlawful activity.
 6. Providing informal notice to the City of Pomona regarding alleged unlawful activity.
- B. “*Adverse Action*” includes any of the following:
1. Real or implied threats of intimidation to attempt to prevent an individual from reporting alleged wrongdoing or because of protected activity.
 2. Refusing to hire an individual because of protected activity.
 3. Denying promotion to an individual because of protected activity.
 4. Taking any form of disciplinary action because of protected activity.
 5. Issuing a poor evaluation because of protected activity.
 6. Extending a probationary period because of protected activity.
 7. Altering work schedules or work assignments because of protected activity.

V. COMPLAINT PROCEDURE

An applicant, employee, officer, official, applicant, or contractor who feels he or she has been retaliated against in violation of this Policy should immediately or as soon as practically possible report the conduct using the process listed below.

- A. Filing: An individual who believes he or she has been retaliated against may make a complaint orally, or in writing, with any of the following without having to follow the established chain of command:
1. Immediate supervisor.
 2. Any supervisor or manager within or outside the department.
 3. Department Director.
 4. Human Resources /Risk Management Director.
- B. Any supervisor or Department Director who receives a retaliation complaint must immediately notify the Human Resources/Risk Management Director.
- C. Upon notification of a retaliation complaint, the Human Resources/Risk Management Director shall:
1. Authorize an investigation of the complaint and supervise and/or investigate the complaint.

RETALIATION (*Continued*):

2. The investigation will include interviews with:
 - a. the complainant;
 - b. the accused retaliator; and
 - c. any other persons the Human Resources/Risk Management Director or designee has reason to believe has relevant knowledge concerning the complaint. This may include victims of similar conduct.
 3. Review factual information gathered through the investigation to determine whether the alleged conduct constitutes retaliation, giving consideration to all factual information, the totality of the circumstances, and the context in which the incident(s) occurred.
 4. Report the results of the investigation and the determination as to whether retaliation occurred to appropriate persons, including to the complainant, the alleged retaliator, the supervisor, the Department Director, and the City Manager. If discipline is imposed, the nature of the discipline will not be communicated to the complainant.
 5. If retaliation occurred, take and/or recommend to the Department Director and/or the City Manager prompt and effective remedial action against the retaliator. The remedial action will be commensurate with the severity of the offense.
 6. Take reasonable steps to protect the victim and other potential victims from further retaliation as a result of communicating the complaint.
 7. If appropriate, take action to remedy the victim's loss (if any) which resulted from the retaliation.
- D. An employee who believes he/she is still subject to retaliation after the completion of the internal investigation outlined in Section V of this Policy may contact:

The State of California
Department of Fair Employment and Housing
Los Angeles, CA 90012
(213) 897-1997

OR

RETALIATION (*Continued*):

The Equal Employment Opportunity Commission
255 E. Temple Street, 4th Floor
Los Angeles, CA 90067
(213) 894-1000.

VI. ACTION

This Policy is effective this date.