City of SACRAMENTO

Equal Employment Opportunity (EEO) Policy

(Discrimination/Harassment Complaint Procedure)

Scope: CITYWIDE

Policy Contact:
Department of Human Resources, Equal Employment Opportunity (EEO) Office
(916) 808-5825
EEO@cityofsacramento.org

Table of Contents

I. Policy Statement 3
II. Policy Statement on Discrimination, Harassment, and Retaliation 3
III. Policy Statement on Sexual Harassment 4
IV. Policy Statement on Racial Harassment 4
V. Policy Statement on Disability Discrimination 4
VI. Policy Statement on Driver's Licenses 5
VII. Protected Groups 6
VIII. Definitions 7
IX. City Employee Roles and Responsibilities 11
A. Individual Employees (who are not management or supervisory personnel) 11
B. Management and Supervisory 11
C. Human Resources 13
X. Training 13
XI. Complaint Procedures 13
Charter Officer Review and Acknowledgement 16

Regulatory References:
California Code of Regulations (CCR), Title 2, §§ 11027-11086
California Government Code §§12900, 12926, 12940, et seq.
Federal Civil Rights Act of 1964, Title VII, et al.

Supersedes:

- Equal Opportunity Policy (11/17/2016)
- Policy Statement on Discrimination and Harassment (2012)
- Policy Statement on Sexual Harassment (2012)
- Policy Statement on Disability Discrimination (2012)

Reviewed/Effective:
11/20/2025

I. Policy Statement

The City of Sacramento (City) is an equal opportunity employer. It is committed to creating and maintaining a work environment that is free of all forms of discrimination and harassment, including sexual harassment, retaliation, and malicious false accusation by any supervisor, manager, coworker, and/or parties who have contact with a City employee. In furtherance of this commitment, the City will appropriately address any report of harassment, discrimination, retaliation, or malicious false accusation.

All employees, applicants, and independent contractors working with the City are to be treated with dignity and respect, and the City will not tolerate discrimination, harassment, or retaliation in the hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. Further, the City will not tolerate harassment or discrimination of its employees by others with whom the City has a business, service, or professional relationship.

The non-discrimination policies of the City may be more comprehensive than state or federal law. Conduct that violates these policies may not violate state or federal law but still could subject an employee to discipline. The City will take preventive and corrective action, up to and including termination, to address any of the following, but not exhaustive, list of behaviors:

- Failure to follow any provision of this policy and/or for behavior that violates this policy or the rights it is designed to protect.
- Making malicious false allegations of discrimination, harassment, or retaliation.
- Purposely impeding an investigation involving harassment or discrimination.
- Retaliation related to the reporting or investigation of harassment or discrimination.

The Director of Human Resources is the City Manager's designee to direct, coordinate, and supervise the activities associated with the City's Equal Employment Opportunity Policy and the Discrimination/Harassment Complaint Procedure.

II. Policy Statement on Discrimination, Harassment, and Retaliation

Discrimination, harassment, and/or retaliation will not be tolerated. The City prohibits all forms of discrimination, harassment, and/or retaliation, including any employment-related action by an employee that adversely affects an applicant or employee and is based on any protected classification identified in this policy, including age (age 40 or over), ancestry, color, physical or mental disability, gender, gender expression, gender identity, genetic information, marital status, medical condition, military and veteran status, national origin, race, religious creed, sex, sexual orientation, and any other classification protected by law.

The City's commitment to equal opportunity and non-discrimination extends to all job

applicants, employees, and all aspects of employment, including but not limited to recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff, reinstatement, benefits, education, and termination, as well as to the provision of reasonable accommodation to qualified persons with disabilities.

III. Policy Statement on Sexual Harassment

Sexual harassment is a form of harassment. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.
- Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the worker.
- Such conduct has the purpose or effect of substantially interfering with a worker's work performance or creating an intimidating, hostile, or offensive work environment.

The City will not tolerate any form of sexual harassment.

IV. Policy Statement on Racial Harassment

The City will not tolerate any racial harassment. Examples of racial harassment include derogatory remarks based on race, discriminatory behavior based on race, and any act which places the employee at a deliberate disadvantage based on race.

V. Policy Statement on Disability Discrimination

Discrimination on the basis of disability against any applicant or employee who is a qualified individual with a disability, or is perceived to have a disability, by a supervisor, management employee or coworker will not be tolerated. This policy applies to the job application process and all terms and conditions of employment including, but not limited to: recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff reinstatement, benefits, education, termination and also in the provision of City programs, services and activities.

A. Discrimination on the basis of disability includes, but is not limited to, the following:

1. Limiting, segregating, or classifying a job applicant or employee in a way that may adversely affect opportunities or status because of the applicant's or employee's actual, perceived, or history of disability.
2. Participating in a contract which could subject an applicant or employee with a disability to discrimination.

3. Using any standards, criteria or method of evaluation which could have the effect of discriminating on the basis of disability.

4. Denying equal jobs or benefits because of a disability or the perception of a disability.

5. Failing to make reasonable accommodations for known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue hardship or create a direct threat.

6. Using selection criteria which exclude persons with disabilities unless the criteria is job-related and consistent with business necessity; and

7. Failing to use employment tests in a manner that ensures that the test results accurately reflect the applicant's or employee's skills or aptitude for a particular job.

Other Considerations

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or general standards of professional decorum including but not limited to:

Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission and the Civil Rights Department guidelines.

- Reasonable requests or demands by a supervisor that an employee improve their work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee. Inability to meet these demands due to limitations produced by an employee's disability will result in the engagement of the interactive process, and requests for accommodation will be reviewed on a case-by-case basis.

VI. Policy Statement on Driver's Licenses

The City cannot require an employee to present a driver's license unless required by state or federal law or when otherwise permitted by law (e.g., a driver's license is needed to perform an essential function of the job).

The City prohibits discrimination against an individual for possessing a driver's license which was obtained without the individual showing proof of lawful presence in the United States at time of issuance.

The City prohibits discrimination against an individual who has opted to select an "X" (instead of an "M" or an "F") as a gender nonbinary marker on their driver's license. Further, the City prohibits discrimination against an individual whose gender on their driver's license does not match their appearance.

VII. Protected Groups

Protected groups include:

- **Age** – Any individual who has reached their 40th birthday.
- **Ancestry** – One's family or ethnic descent, lineage. A person's origin or background.
- **Cisgender** – Refers to someone whose sex assigned at birth matches their gender identity.
- **Color** – Based on skin pigmentation (lightness or darkness of skin), complexion, shade, or tone. May occur between persons of different races or ethnicities, or between persons of the same race or ethnicity.
- **Gender** – Refers to the socially constructed roles, expectations, and behaviors that are often ascribed to different sexes.
- **Gender Expression** – A person's gender-related appearance or behavior, whether or not stereotypically associated with the person's sex at birth.
- **Gender Identity** – A person's identification as male, female, transgender, or a gender which is different from the person's sex at birth.
- **Genetic Information** – Any information with respect to genetic test of an individual or test of their family member or the manifestation of a disease or disorder in family members. Excludes information on sex or age.
- **Intersex** – Individuals who cannot be categorized as male or female across all traits. This includes variations in sex chromosomes, external genitalia, or reproductive organs.
- **Marital Status** – Either married or unmarried.
- **Medical Condition** – Cancer and genetic characteristics - Any health impairment related to or associated with a diagnosis, record or history of cancer or any scientifically or medically identifiable gene or chromosome that is known to be a cause of a disease or disorder or a statistically increased risk of developing a disease or disorder.
- **Military and Veteran Status** – A member or veteran of any US armed force or reserve or US or California National Guard.
- **National Origin** – Ancestors, marriage, or association with someone from a particular country, ethnicity, ethnic background, or nationality based on birthplace, surname, or characteristic, including language use, speaking with an accent, and limited English language proficiency.

- **Physical or Mental Disability** – Any physiological disease, disorder or condition, including HIV and AIDS, cosmetic disfigurement or anatomical loss. Also includes any mental or psychological disorder or condition. Excludes any sexual behavior disorder, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorder resulting from the current illegal use of a controlled substance or other drug.

- **Race** – Ancestry or cultural characteristics associated with a certain group of people such as skin color, hair texture or style or certain facial features.

- **Religious Creed** – All aspects of religious belief, observation and practice. Includes dress and grooming practices. Very broadly defined covers traditional, organized religions and new, uncommon beliefs that are not part of a formal church or sect.

- **Sex** – Refers to the physical and biological aspects of an individual, which makes someone biologically male or female. These can include chromosomes, hormones, and reproductive anatomy. Sex is typically assigned at birth and include male, female, and intersex.

- **Sexual Orientation** – Heterosexuality, homosexuality, bisexuality, and asexuality.

- **Transgender** – A person whose gender identity differs from the person's sex at birth. A transgender person may or may not have a gender expression that is different from the social expectations of the sex assigned at birth. A transgender person may or may not identify as "transsexual."

VIII. Definitions

- **Disability** – A person is recognized as a person with a disability if they:

    - Have a physical or mental impairment that limits (i.e., it makes the achievement of the major life activity difficult) one or more major life activities (construed broadly to include physical, mental, or social activities, including the ability to work).

    - Have a history of such an impairment known to the employer; or is incorrectly regarded or treated as having or having had such an impairment.

    - Are regarded or treated as having or having had such an impairment that presently has no disabling effects, but may become a qualifying impairment in the future.

- **Direct Threat** – A significant risk of substantial harm to the health or safety of the employee or others, which cannot be eliminated or reduced by a reasonable accommodation.

- **Discrimination** – Treating, considering or making a distinction in favor of or against an employee, job applicant, or individual participating in a program or receiving a service from the City based on their actual or perceived protected status in relation to a decision or the terms and conditions of employment, that is reasonably likely to negatively affect prospects for hire, advancement, promotion, job performance, participation in a City program, or ability to receive a City service. Discrimination includes treatment that deprives, or tends to deprive, the employee or job applicant of employment opportunities or employment status. It is also discrimination to fail to provide reasonable accommodation to an employee, job applicant, or individual participating in a program or receiving a service from the City with a disability unless doing so creates an undue hardship or direct threat.

- **Employee** – any individual who is employed by the City or otherwise performing work on behalf of the City including officials, volunteers, interns, and temporary workers.

- **Harassment** – Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

  Conduct that may, under certain circumstances, constitute harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, displaying indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or City equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to City policy and to the City's commitment to a discrimination-free work environment.

- **Malicious False Accusat**ion – Malicious means to knowingly lie and make a false accusation or complaint of wrongdoing, that is contrary to fact or truth, against another with the intent to cause damage to them.

- **Manager or Supervisor** – Managers or supervisors subject to the requirements of managers and supervisors under this policy include employees who manage or supervise any program or subordinate employee(s); employees who have authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline one or more employees; employees who have the responsibility to direct other employees daily work of one or more employees; and employees who have the responsibility to address the grievances or complaints of one or more employees. This definition is intended to include employees who do not have the terms "manager" or "supervisor" in the name of their job classification.

- **Perceived Disability** – Being regarded as, or treated as having, or having had, a physical, cognitive, or mental impairment, disorder, or condition.

- **Protected Group Member** – An individual who falls within a protected group included in

this policy is a protected group members.

- **Qualified Individual with a Disability** – An applicant or employee who has the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desired, and who, with or without reasonable accommodation, can perform the essential functions of such position.

- **Reasonable Accommodation** – Any change in the work environment or in the way things are customarily done that enables an individual with a disability to perform the essential functions of a job, or enjoy an equal opportunity or benefit from employment. Reasonable accommodations are also provided to ensure the employee can observe their sincerely held religious belief or practice. There are four (4) types of reasonable accommodations:

    - Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position that the applicant desires.

    - Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position.

    - Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

    - Modifications or adjustments that allow an individual to exercise a "sincerely held" religious belief or practice.

- **Retaliation** – Treating a person differently or engaging in acts of reprisal or intimidation against the person because they have engaged in and EEO-related protected activity, filed a discrimination complaint, participated in an investigation, or opposed a discriminatory practice. Examples of retaliation include, but are not limited to, engaging in verbal or physical abuse, treats, increased scrutiny or excessive micromanagement of work, spreading or rumors, exclusion, adverse employment actions, denial of opportunities, transfer or reassignment of duties.

- **Sexual Harassment** – Includes, but is not limited to, unwelcomed sexual advances, request for sexual favors, or other verbal, visual or physical conduct of a sexual nature by an employee, supervisor, or manager when:

    - Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.

    - Submission to, or rejection of, such conduct is used as a basis for employment

decisions affecting the employee.

- Such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Conduct which seems innocent or trivial to some people may still constitute sexual harassment.

Sexually harassing conduct can include:

- Physical harassment: Assault, touching, leering, impeding movement;
- Visual harassment: Derogatory or sexually explicit posters, photographs or drawings; written slurs, "bumper stickers" and the like;
- Verbal harassment: Slurs, derogatory sexual comments, requests for sexual favors, invitations to engage in sexual activities, which need not be based on genuine sexual interest or desire.

Sexual Harassment can occur in verbal, physical, or visual forms. While it is not possible to list all circumstances that may constitute sexual harassment, the following are some samples of conduct and offensive behavior, which, if unsolicited and unwelcomed, may constitute sexual harassment:

- Sexually suggestive jokes, propositions or comments about a person's body.
- Physical contact such as unwelcomed or unsolicited touching, patting, pinching, hugging, grabbing, cornering, or brushing against another person's body, assaults, or threats of assault
- Explicit or implicit statements that suggest an employee's lack of submission to another's sexual advances will affect a term or condition of employment.
- Leering, sexual looks or gestures with hands or through body movement.
- Sexually suggestive visual displays, objects, including electronic media or pictures.

- **Undue Hardship** – When a reasonable accommodation causes significant difficulty or expense. This determination focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation.

IX. City Employee Roles and Responsibilities

This policy applies to all employees. All employees shall follow the intent of this policy in a manner that reflects professional workplace standards and the best interest of the City and its mission.

To achieve the goal of this City policy it is necessary that each employee understand the importance of the policy and their individual responsibility to contribute toward its maximum fulfillment.

A. Individual Employees (who are not management or supervisory personnel)

1. Any employee who believes that they has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

2. Any employee who believes they are experiencing discrimination, harassment or retaliation are encouraged to inform the individual that their behavior is unwelcome. However, this step is not required. If the employee feels uncomfortable, threatened, or has difficulty expressing their concern, or if doing so does not resolve the concern, assistance should be sought from a supervisor or manager who is at least one (1) level higher than the alleged transgressor. Human Resources may also assist.

3. Any employee who observes others engaging in harassing or discriminating behavior toward another employee shall report the actions to a supervisor or manager, even if the person harassed does not complain.

4. All employees are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor, whether that conduct is directed at that employee, or the employee has observed such conduct directed at another employee.

5. Any employee who is not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the department head, the Human Resources Director, Equal Opportunity Office staff, or Labor Relations' staff.

6. Employees are required to complete the mandatory EEO training upon hire and renew the mandatory EEO training every two (2) years thereafter.

B. Management and Supervisory

Management and supervisory personnel have particular responsibilities related to the City's EEO Policy. All managers and supervisors shall:

1. Continually monitor the work environment and strive to ensure that it is free from all

types of unlawful discrimination, including harassment or retaliation.

2. As soon as possible and no later than the next business day, notify Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation.

3. Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

4. Take appropriate steps to ensure their subordinate employees understand the responsibility of supervisors, manager, and employees under this policy.

5. Take appropriate steps to ensure employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

6. Complete mandatory EEO training upon hire or promotion to a manager or supervisor role from a non-managerial or supervisory role and renew the training every two years thereafter. Managers and supervisors should also ensure that their employees complete their mandated EEO training upon hire and renew their mandated EEO training every two (2) years.

7. Because of differences in individuals, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing, or retaliatory. Supervisors and managers shall be aware of the following considerations:

    a. Behavior of supervisors and managers should represent the mission, vision, values, and goals of the City and professional work-place standards.

    b. False accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent employees.

    c. Supervisors and managers must act promptly and responsibly in the prevention, reporting, and resolution of any form of discrimination, harassment, or retaliation.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining work assignments, evaluating or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

C. Human Resources

The Director of Human Resources or their designee is responsible for:

1. Keeping records of all harassment complaints for a minimum of thirty-six (36) months. No destruction should be made without compliance with the City's records destruction resolution.

2. Taking all complaints seriously and coordinating an unbiased investigation of complaints.

3. Tracking each investigation into each complaint to ensure that the investigation is concluded in a timely fashion, and that the complaining party receives an appropriate and timely response.

4. Initiating appropriate disciplinary action based on the finding of an investigation undertaken in consultation with the department head and/or supervisor.

5. Taking appropriate action to prevent retaliation against a complaining party.

X. Training

All new hires shall receive mandatory EEO training on discrimination, harassment, and retaliation. Incumbent employees shall receive training on discrimination, harassment, and retaliation in a manner consistent with this policy and applicable state and federal statute.

In addition to receiving mandatory EEO training upon hire, employees are required to take the mandatory EEO training every two (2) years thereafter.

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that they has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during their term of employment.

Following the adoption of this policy, all employees shall receive information on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

XI. Complaint Procedures

Employees who are not managers or supervisors are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor, whether the conduct is directed at that employee or the employee has observed such conduct directed at another employee.

Any non-managerial or supervisory employee who is not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and

make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the department head, the Human Resources Director, Equal Employment Opportunity Office staff, or Labor Relations' staff. Complaints may be made verbally, in writing, or by using the City's online Discrimination Complaint Form on the Equal Employment Office webpage.

Managers and supervisors are required to notify Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation as soon as possible and no later than the next business day.

Any manager, supervisor, department head, or Human Resources employee receiving a complaint of harassment, discrimination, or retaliation shall immediately document the complaint in writing and refer the complaint to the Human Resources Director or the party designated by the Human Resources Director to receive EEO complaints on behalf of the City, who will ensure that a timely, effective, thorough, and objective confidential investigation of the allegation(s) is undertaken.

All complaints of discrimination or harassment shall be documented and promptly and thoroughly investigated. The complainant party or parties should be protected against retaliation. The complaint and related investigation should be kept confidential to the extent possible.

The assigned investigator has the full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any employees involved. No influence will be used to suppress any complaint and no employee will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

During the pendency of any investigation, the supervisor/manager of the involved employees should, in cooperation with the Equal Employment Opportunity Office or Labor Relations, take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment.

Formal investigation of the complaint will be confidential to the extent possible. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

f it is determined that harassment, discrimination, or retaliation has occurred, effective remedial action will be taken in a manner consistent with the circumstances. Discipline ranging from verbal or written warnings and up to and including termination may be administered.

After the investigation and findings have been concluded, the City will communicate the confidential finding to the complainant, the accused, and, where appropriate, other concerned party.

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department. Employees who believe they have been harassed or

discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements. Additionally, if an employee thinks they have been harassed, discriminated against, or that they have been retaliated against for complaining, that person may file a complaint or obtain additional information from the State of California Civil Rights Department at 800-884-1684 and/or U.S. Equal Employment Opportunity Commission, 800-669-4000.

Human Resources Information

Office of the Director
Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814
(916) 808-5731
humanresources@cityofsacramento.org

Equal Employment Office
Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814
(916) 808-5825
eeo@cityofsacramento.org

Labor Relations
Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814
(916) 808-5541
laborrelations@cityofsacramento.org

City of SACRAMENTO

Charter Officer Review and Acknowledgement

EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

(Signature by all Charter Officers is not a requirement for policy adoption)

Leyne Milstein (Nov 21, 2025 17:27:04 PST)

City Manager 11/21/2025

Gus Martinez (Dec 12, 2025 10:28:22 PST)

City Attorney 12/12/2025

City Clerk 12/08/2025

City Treasurer 11/20/2025

City Auditor 12/08/2025