

Workplace discrimination and harassment based on sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, or other protected category under the law is prohibited and unlawful. SFMTA is committed to a work environment free of discrimination, harassment and retaliation.

### **Discrimination and Harassment Prohibited**

Discriminating against, or harassing SFMTA employees, applicants, or persons providing services to the SFMTA by contract, including supervisory and non-supervisory employees, because of any protected category under the law is prohibited and unlawful. For the purpose of this policy only, the term “employees” includes unpaid interns and volunteers.

Discrimination is the unequal treatment of individuals with respect to the terms and conditions of their employment, based on their membership in a protected category. Harassment is unwelcome visual, verbal, or physical conduct engaged in on account of a person's actual or perceived membership in a protected category.

### **Sexual Harassment Prohibited**

Sexual harassment is illegal under federal and state law. Federal law defines sexual harassment as unsolicited and unwelcome sexual advances, requests for sexual favors and other verbal, physical, visual, or written conduct of a sexual nature directed to persons of the same or opposite sex when:

- submission to such conduct is made explicitly or implicitly as a term or condition of employment;
- submission to or rejection of such conduct by an employee or applicant is used as a basis for employment decisions affecting the employee or applicant; or
- such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or otherwise offensive working environment.
- State law defines sexual harassment as unwanted sexual advances or verbal, visual, or physical conduct of either a sexual nature, or other conduct based on sex. These are some examples of sexual harassment:
  - requests for sexual favors or unwanted sexual advances;
  - offering employment benefits in exchange for sexual favors;
  - making or threatening reprisals after a negative response to sexual advances;
  - verbal harassment (e.g., graphic comments, derogatory comments, sexually

- suggestive or obscene jokes or telephone calls);
- physical harassment (e.g., assault, impeding or blocking movement, gestures, or any physical interference with normal work or movements); or
- visual forms of harassment (e.g., leering, derogatory or sexually explicit emails, posters, letters, poems, graffiti, cartoons, computer screen savers, or drawings).

### **Retaliation Prohibited**

Retaliation against an individual who files a charge or complaint of discrimination, participates in an employment discrimination proceeding (such as an investigation or lawsuit), or otherwise engages in protected activity is strictly prohibited and will not be tolerated. Any employee who believes he or she has been discriminated against, harassed, or retaliated against in violation of this policy should promptly report the facts of the incident and the individuals involved.

### **Responsibility for Reporting Incidents of Discrimination**

All employees are encouraged to report discriminatory, harassing, or retaliatory behavior, whether directed at themselves or at co-workers. Supervisory employees are required to take corrective action if employees are subjected to discrimination, harassment, or retaliation on the basis of a protected category. If a complaint is made to a supervisor, or if a supervisor becomes aware of potential discrimination, harassment, or retaliation, the supervisor must immediately report it to the department's Equal Employment Opportunity (EEO) or Human Resources personnel. Any supervisor who receives a complaint of discrimination, harassment or retaliation and fails to report it within five days of becoming aware of the complaint may be subject to disciplinary action.

SFMTA employment discrimination complaints are investigated by the EEO Division in the City's Department of Human Resources (DHR EEO). (See <http://sfdhr.org/how-file-discrimination-harassment-or-retaliation-complaint>).

To file a complaint, an employee or applicant for employment may contact:

- DHR EEO, One South Van Ness Avenue, 8th Floor – Room 8109, San Francisco, CA 94103 or 415.646.2880;
- DHR Harassment Helpline at 415.557.4900 or 415.557.4810 (TTY);
- SFMTA EEO Officer Virginia Harmon at EEO@sfmta.com or at 415.646.2875;
- Your supervisor or any SFMTA manager;
- Your union under the employee grievance procedure;
- California Department of Fair Employment and Housing (DFEH) at 800.884.1684; or

# SFMTA Policy

Prohibiting Discrimination,

Harassment/Sexual Harassment and Retaliation



- Federal Equal Employment Opportunity Commission (EEOC) at 800.669.4000.

SFMTA managers or supervisors who becomes aware of potential discrimination, harassment or retaliation must immediately report it to:

- DHR EEO, One South Van Ness Avenue, 8th Floor– Room 8109, San Francisco, CA 94103 or 415.646.2880;
- SFMTA EEO Officer Virginia Harmon at EEO@sfmta.com or at 415.646.2875.

## Discipline

Any employee, supervisor, or agent of the SFMTA found to have engaged in conduct in violation of this policy may be subject to disciplinary action, up to and including termination. An employee may be subject to discipline for engaging in harassing conduct that does not meet the definition of harassment under the law, but that, if repeated or allowed to continue, might meet that definition.

A handwritten signature in blue ink, appearing to read 'Jeffrey Tumlin'.

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Jeffrey Tumlin  
Director of Transportation

July 15, 2022

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Date