

Harassment Prevention Training for Supervisors and Officials (AB 1661)

Mayors and Council Members Academy

Wednesday, January 24, 2024, 9:00 am



HOUSEKEEPING

You **MUST** be signed
in

You must be present
for the full two-hour
training

You will receive your
certificate at the end
of the training

We also have
certificates for
attorneys for MCLE
credit

Contact Melissa
Kuehne
([mkuehne@ca-
ilg.org](mailto:mkuehne@ca-ilg.org)) with questions
or concerns

ILG IS NONPROFIT, NONPARTISAN & HERE TO HELP

- ILG is the nonprofit training and education affiliate of three statewide local government associations
- Together with our affiliates, we serve over 2,500 local agencies – cities, counties and special districts
- We provide practical and easy-to-use resources so local agencies can effectively implement policies on the ground



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Our mission is to help local government leaders **navigate complexity, increase capacity & build trust** in their communities



Harassment Prevention Training for Supervisors and Officials (AB 1661)

League of California Cities
Mayors and Council Members Academy
January 24, 2024

Presented by: Amy Greyson, Esq. and Emily C. Gifford, Esq.

Introduction

- Presenters: Amy Greyson and Emily Gifford, Labor & Employment Attorneys
- Richards, Watson & Gershon provides a broad range of legal services to special districts, cities and other public agencies all over the State of California
- Two-hour training today
- Certificates of completion provided by League

Why are we here?

- **California legal requirement**

- Two hours every two years for supervisors (incl. elected officials and members of local agency legislative bodies)
- One hour every two years for non-supervisors

- **Respect in the workplace**

- Benefits the entire workforce (you are a part of the workforce!)
- More efficient operations
- Better services to the community

Objectives of this Training

- Understand laws against sexual harassment
- Understand how to prevent harassment and remedy violations
- Discuss real-life examples and learn to identify and address harassment if it occurs
- Learn about other forms of unlawful harassment, including harassment on the basis of gender, gender identity, gender expression, and sexual orientation
- Promote respect and dignity in the workplace

Ground Rules

- There are no stupid questions! The more questions you ask, the better.
- Your trainers are here to assist, not judge.
- There is not always an obvious “right” or “wrong” answer. Take a guess!
- Participation is appreciated and will make this training more interesting and useful.

What do you think?

- **Is harassment under-reported?**
 - This means harassment often occurs and is not reported because victims or witnesses are either afraid to report or do not understand what harassment is.
- **Is harassment over-reported?**
 - This means harassment is often reported even when it does not occur.

Take a guess!

- In 2022, a total of 73,485 workplace harassment, discrimination, and retaliation complaints were filed with the Equal Opportunity Employment Commission (EEOC), representing a 20% increase from 2021. The largest number of complaints were based on:
 - (a) Sex or gender (including sexual harassment)
 - (b) Race
 - (c) Disability
 - (d) Retaliation
 - (e) Age

Know Your Policy

- Effective policies go beyond what the law requires.
- Do you know where your policy is?
- When was the last time you reviewed the policy?
- When was the policy last updated?
- Is the policy accessible to all employees?
- Does the policy provide a clear procedure for reporting and responding to harassment complaints?

True or False?

- Intent matters: If you did not mean to offend someone, you cannot be liable for harassment.
- Off-duty or off-site conduct (e.g., at a bar after work) is not workplace harassment.
- It is illegal to make fun of an employee based on their hairstyle.
- The First Amendment protects what you say at work. All opinions are protected!
- Employers are required to make exceptions to their dress code policy if an employee's religion prevents them from following the dress code.

Who gets harassed?

■ Statistics for women:

- Verbal sexual harassment (including catcalling, sexist slurs, offensive comments about body parts, inappropriate sexually explicit advances): 75%
- Cyber sexual harassment: 40%
- Physically aggressive sexual harassment: 60%

■ Statistics for men:

- Verbal: 35%
- Cyber: 22%
- Physically aggressive: 25%

Why Should We Care?

- **In 2022, employers paid out \$59 million for sexual harassment claims filed with the Equal Employment Opportunity Commission (EEOC).**
- **Claims under state law in California can be substantial**
 - Jury verdict in November 2019 for \$58.25 million.
 - Judge-tried verdict July 2023 awarded \$752,214 compensatory damages
 - Jury verdict in June 2022 for \$464 million for two plaintiffs who alleged sexual harassment and retaliation
- **MOST importantly, all employees have the right to a harassment-free workplace.**
 - Basic decency
 - Civil rights
 - Productive work environment

Anti-Harassment Laws

The federal and state governments have enacted laws protecting employees against harassment.

Federal Anti-Harassment Law

- **Civil Rights Act of 1964**
 - Race
 - Color
 - Religion
 - Sex (including pregnancy status, sexual orientation, and gender identity)
 - National origin
 - Age
 - Disability
 - Genetic information, including family medical history
- **Workplace harassment is a form of discrimination.**
- **Many Americans had never heard of sexual harassment until 1991. Remember why?**
- **Harassment/discrimination claims can be filed directly with the Equal Employment Opportunity Commission (EEOC)**

State Law (Fair Employment and Housing Act)

- Race (including characteristics historically associated with race, such as hair texture and style)
- National Origin
- Color
- Ancestry
- Sex
- Sexual Orientation
- Gender
- Gender Identity/Expression
- Physical or Mental Disability
- Religion or Creed
- Medical Condition
- Genetic Information
- Marital Status
- Pregnancy or Pregnancy-Related Condition
- Veteran or Military Status
- Age (40 or older)
- Beginning January 1, 2024, off-duty, off-site use of cannabis

Hypothetical #1

Ashley and Patricia are friendly coworkers who often talk about the men they date. One day Patricia tells Ashley that she started dating a woman. Ashley seems surprised but does not say anything negative.

After that day, Ashley stops speaking to Patricia. Patricia finds out that Ashley is spreading false rumors at work about Patricia's personal life. Could Ashley be liable for harassment?

Hypothetical #2

George, a supervisor, brings coffee for Dana, one of his subordinates, every morning. Rose, another of his subordinates, asks George why he doesn't bring anything for his other subordinates. George says Dana is his favorite. Is George engaging in unlawful discrimination? Does the answer change if George and Dana are married?

- a) Yes
- b) No
- c) I need more information!

Hypothetical #3

Tom, a supervisor, constantly screams at Bob, his assistant. He tells Bob he is stupid and lazy, and humiliates him in front of his coworkers. One day, Tom threatens Bob, “if you don’t finish this project on time, I’m going to ruin every part of your life.” Bob believes that the reason Tom speaks abusively is that their children are rivals at school, and Bob’s son once hit Tom’s son. Bob was upset about the incident, and apologized to Tom, but Tom still treats him poorly. Is Tom engaging in unlawful harassment?

What is Sexual Harassment?

- **Sexual harassment is a form of sex discrimination.**
- **There are two forms of sexual harassment:**
 - Quid pro quo (Accounts for 1/3 of cases filed)
 - Receipt of a workplace benefit in exchange for a sexual favor; or
 - Denial of a workplace benefit as retaliation for refusal of sexual advances.
 - Hostile work environment (Accounts for 2/3 of cases filed)

Definition of Sexual Harassment

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance or creates an intimidating, hostile, or offensive work environment.”

Quid Pro Quo Sexual Harassment

- The conduct is unwelcome; and
- The conduct is sexual in nature; and
- Submission to or rejection of sexual advances affects the terms and conditions of employment, including:
 - Hiring and firing
 - Pay raises/bonuses
 - Better work assignments
 - Promotions

Hostile Work Environment

- The conduct is *unwelcome*; and
- The conduct is *sexual in nature*; and
- The conduct
 - unreasonably interferes with an individual's work performance; or
 - creates an intimidating, hostile, or offensive work environment.

Hostile Work Environment

Three types of hostile work environment:

- Sexual conduct directed at the complainant
- Sexual conduct directed at others, and complainant observes
- Sexualized environment - implicit pressure to submit to sexual advances or participate in sexual discussions, jokes, etc.

What is *not* a hostile work environment:

- Mean behavior that is **not** based on a protected category
- Rudeness, criticism, unfair or harsh performance feedback
- Horrible work environments and abusive bosses do not necessarily create a “hostile work environment.”

A hostile environment may result from non-sexual conduct

- Discrimination, harassment or retaliation because of the victim's sex, gender or sexual orientation is unlawful
- Sexual desire, motivation or interest not required
- Is there evidence of qualitative and quantitative differences in the treatment of male vs. female employees?
- Consider:
 - “You are worthless” vs. “You are a worthless br***d!”
 - Angry outbursts directed only at female employee?
 - Only calling gay employees incompetent even though heterosexual employees make the same mistake?

Hostile work environment?

- Supervisor walks around discussing his preference for blonde women.
- Supervisor screams when you make very small mistakes and threatens to fire you even when it's not your fault.
- Co-worker with your same job title disagrees with your political affiliation and makes fun of you in front of others.
- Co-worker tells sexual jokes in the break room; if you don't laugh, she insults you for being a "prude."

Incident vs. Environment

- A single incident of quid pro quo harassment may constitute a sexual harassment.
- “Hostile work environment” harassment requires that the conduct is severe or pervasive.

What is severe or pervasive?

■ Considerations:

- The nature of the conduct
Example: Groping (assault) vs. pat on the knee
- The frequency of the conduct
- Physically threatening or humiliating?
- Did it interfere with the complainant's work performance?
- Did the offender have power over the victim?

Forms of Sexual Harassment

- **Verbal**

- Sexually explicit language
- Requests for sexual favors
- Unwanted comments on a person's appearance
- Obscenities, jokes, comments about sex

- **Physical**

- Unwanted touching
- May not rise to the level of assault

- **Visual**

- Pictures, posters or calendars
- Office decorations
- Cartoons and other "humorous" depictions
- Screen savers and wallpaper on computers
- Physical gestures

What is unwelcome conduct?

The challenged conduct is unwelcome if “**the employee did not solicit or incite it. . . .**”

Henson v. City of Dundee,
682 F.2d. 897 (11th Cir. 1982)

- A person does not have to say “no” in order to prove that the conduct was unwelcome or unwanted. If an employee complains of sexual harassment, the burden is on the accused person to prove that the conduct was *not* unwelcome.
- ALWAYS make sure your conduct is welcome!

Is the conduct unwelcome?

- Conduct may begin as welcome, but then become unwelcome.
- The person engaging in the conduct has the duty to prove that their behavior is welcome.
- Employees may not feel comfortable telling their co-workers to stop.
- When an employee exercises control or power over another employee (e.g., supervisor-supervisee relationship), it is important to be especially sensitive to the interactions.
 - What are some ways an employee may exercise control or power over a co-worker?

Friendly versus “Unwelcome”

- **To determine if your behavior is unwelcome, ask yourself the following:**

- Is there equal power between me and the person I am interacting with?
- Is there equal initiation and participation between me and the person I am interacting with?
- Does the other person give any verbal or visual signs of discomfort with my conduct?
- Is my behavior appropriate for the workplace?

(If you have to pause to think about it, the answer is probably no.)

Hypothetical #4

Mark and Lily work together. Mark has asked Lily to go out with him before, and she said no, but they are still friendly. Lily confides in Mark that she is afraid she won't get the promotion she's applying for. Mark says, "maybe I can do something about that. Would you mind giving me a quick shoulder massage?"

Is this sexual harassment?

- a) Yes, this is quid pro quo.
- b) No, because a shoulder massage is not sexual.
- c) No, as long as Mark only does this once, the massage never happens, and he apologizes when his supervisor reprimands him.
- d) The answer depends on whether Mark supervises Lily.

Good excuses?

- “We have a laid-back environment at work. We’re like family, and we joke around a lot.”
- “She didn’t tell me the comments made her uncomfortable, so how could I have known?”
- “My co-workers do it all the time and no one has complained.”
- “Our supervisor doesn’t care if we talk about our sex lives – she does it too!”
- “I was expressing my opinion and did not mean to offend anyone.”
- “He’s a very touchy-feely person, so I didn’t think he would care if I touched him.”

Gray Areas

- Hugs, pats on the back – “But I’m a hugger!”
- “You look nice today!”
- Safest approach: Avoid commenting on coworkers’ physical appearance.
- Safest approach: Avoid discussions of a sexual or intimate nature with coworkers unless directly related to work.
- Do not comment on or ask questions about a person’s sexuality, sexual orientation, gender identity, or gender expression, unless that person raises it first.
- Be respectful!

Appropriate workplace behavior?

- An employee talks about her sexual adventures in front of 10 co-workers. No one appears to be offended.
- An employee is talking to a trusted friend on the job about his sexual fantasies. Another employee overhears.
- An employee notices that his coworker seems stressed, so he gives the coworker a shoulder massage without asking.
 - What if a gay man does this to a female employee – does that make a difference?
- An employee tells jokes about a friend who recently transitioned from the gender they were assigned at birth.
- An employee imitates the accent of someone who was born in a different country. The employee says it's okay because she was imitating her own grandmother.
- An employee makes fun of a coworker who uses a wheelchair due to a disability. The coworker laughs and jokes along.
- An employee has pictures of his wife in his private office:
 - In her wedding dress
 - In a Halloween costume, dressed as Britney Spears
 - In a bikini

I Want Bright Line Rules!

- **Can I ask another employee on a date?**

- Not unlawful per se but employers may adopt policies about romantic relationships between coworkers.
- Once your coworker says no, continuing to express interest may constitute sexual harassment.

- **Can I hug my coworkers?**

- If you have a workplace friend and you both initiate hugging and participate equally in the physical contact, then you may be on safe ground. But you may be making other employees uncomfortable by hugging them, even though you are not making sexual advances and don't intend to make anyone uncomfortable.
- Why not err on the safe side?

Hypothetical #5

Jake and Bart work together. Jake asks Bart out on a date. Bart accepts the invitation. They have a nice first date, but Bart isn't interested in going out again. When Jake asks him on another date, he says no. Jake starts wearing provocative clothing that is not work appropriate. He often walks past Bart's desk and asks Bart if he likes the way Jake looks. Bart asks Jake to stop because Jake's behavior makes him uncomfortable. Jake's behavior becomes more aggressive. He frequently stands close to Bart and makes sexual comments; the comments are not about Bart and they are not flirtatious. Bart complains to a supervisor that Jake's behavior is affecting Bart's work performance. The supervisor says "you're both adults, you should tell him again to stop. I can't control the way Jake dresses, and it's not like he's hitting on you. Just try to ignore him."

Did the supervisor do anything wrong? What could he have done instead?

Hypothetical #6

How to Address Two Wrongs?

Julie works in a male-dominated department that is known for its “dark humor” and its employees poking fun at one another. One day, Julie’s supervisor and family friend, Mike, referred to Julie as “this b***h” when he was talking to the department. Shortly after, Julie packed up her belongings and announced “This b***h is leaving for the day.” The next day, Julie told Mike his comment was inappropriate for a supervisor. Julie later complained to the HR Dept. about Mike’s remark and other comments he’s made in the past including a story Mike shared about a sexual encounter. The HR Dept. launched an investigation. During the investigation, Julie’s coworkers mentioned that Julie was known to share details of her sex life and that she often referred to male colleagues as “a**holes.”

How much would be considered welcome vs. unwelcome? What types of disciplinary action is appropriate?

Harassment By Third Parties

- **Employers are required to protect employees from harassment by non-employees, even if they cannot control the behavior of third parties:**
 - Customers
 - Clients
 - Members of the public
 - Vendors, contractors, suppliers
 - Other third parties
- **If the employer knew or should have known that harassment was occurring, the employer may be liable unless it takes corrective measures.**

Other Methods to Address Third Parties

■ Civil Harassment Restraining Order

- Individual Employee can file for restraining order for self and others
- Protects against violence or credible threat of violence and/or conduct that “seriously alarms, annoys, or harasses” the person to be protected
- Types of orders
 - No contact / Stay away by a certain distance including workplace
 - Not harass, stalk, threaten, or harm people
 - Cannot own or have firearms or ammunition

■ Workplace Violence Restraining Order

- Employer can file for restraining order on behalf of employee(s)
- Protects against violence or credible threat of violence
- Types of orders
 - No contact / Stay away by a certain distance including workplace
 - Not harass, stalk, threaten, or harm people
 - Cannot own or have firearms or ammunition

Off-Duty Conduct

Workplace harassment can occur:

- In any location
- On-duty or off-duty
- In work or social environments

UNLESS

- The relationship is completely private and not connected to employment; and
- The conduct occurs off-duty; and
- It occurs at an event or location that has no relation to work.

Off-Duty Conduct: Gray Areas?

- A few coworkers meet for a drink at a bar after work. One of them inappropriately touches another.
- A supervisor invites the whole team to meet for a drink after work. The supervisor uses an offensive slur to refer to a gay coworker who is not present.
- Two employees are hanging out on their break in the lunchroom, and one of them shows the other graphic photos on her phone.
- The City has a party for all employees. Attendance is optional. At the party, an employee gets drunk and tells one of his co-workers “you need to dress differently, I can’t tell if you’re a man or a woman.”
- Two employees become friends. They go on vacation together, and when they return, one employee complains to their supervisor that the other employee was making inappropriate sexual advances.

Gender-Based Harassment

- 90% of individuals who identify as transgender or whose gender does not conform to traditional male/female binary categories say that they have experienced workplace discrimination or harassment.
- California law requires employers to allow employees to use the restroom that matches their gender identity, regardless of their biological sex.
- California law requires employers to allow employees to wear clothing and use the pronouns that match their gender identity or gender expression, regardless of their biological sex.

Gender-Based Harassment

- Harassment based on someone's gender identity, gender expression, or sexual orientation is unlawful even if it is not sexual harassment.
- Examples: negative comments about people who are transgender or gay; use of slurs, insults, stereotypes, or offensive jokes; refusal to call coworker by their chosen name or gender pronoun; refusal to accommodate an employee's dress based on their gender identity.
- How do we create a respectful work environment when people have different opinions?

Problematic Behavior

- Negative comments about sexual orientation
- Teasing, jokes, slurs, insults, stereotyping
- Refusal to accept someone's sexual orientation
- Invasive questions
- Expressing a political or religious opinion that does not respect someone's sexual orientation
- Assumption that heterosexuals are the "norm"
- Respect = Common Sense

Everyone Makes Mistakes

- **Heteronormative assumptions:**

- Asking your male co-worker “Did your wife go on vacation with you?”
- Try this instead: “Did you go on vacation alone or with family?”
- If you are corrected, apologize, move on in the conversation, and try not to make the assumption again.

- **Gender-based assumptions:**

- Telling an employee with masculine traits, “That’s the women’s restroom – you have to use the men’s room.”
- Try this instead: Don’t say anything! If the person is entering the wrong restroom, they will likely realize it very quickly. You may think the person is a man, but perhaps they are a woman with traits/appearance more associated with masculinity.
- If you make a mistake, apologize.

- **What assumptions do you make?**

What should you do if you experience harassment?

- Tell the perpetrator to stop (if you feel safe)
- Document the conduct
- Report the conduct internally
- Cooperate in employer's investigation
- You may file a complaint with the EEOC or California Civil Rights Department without filing an internal complaint with your employer
- **REMEMBER:** Retaliation for reporting harassment is illegal. You cannot be punished for making a good faith report of conduct you believe to be harassment.

Remedies for Harassment Victims

- **File internal complaint**
- **Where and to whom may I report harassment?**
 - Immediate supervisor, any supervisor, or any management employee.
 - Executive Director, General Manager, Human Resources Manager or anyone else designated in the City's policy.
 - City Attorney.
- **Option to file complaint with state or federal agency**
- **Option to sue in court**
- **Employees have the right to a harassment-free work environment, but management determines how to accomplish that (e.g., reassignment, transfer, removal from workplace, etc.). The remedy cannot be punitive towards the complainant.**

Bystander Duties

- **Strategies for addressing harassment when you witness it?**
 - Silence vs. action
- **When are you obligated to report harassment?**
- **Supervisor response**
- **Non-supervisor response**

Employer's Duty to Investigate

- **Harassment complaints must be investigated.**
 - Complaint can be verbal or written
 - No duty to determine at the outset whether harassment has occurred
 - Interim measures should be taken to ensure that the complainant/victim is not subjected to further harassment. This may include separating the employees. The separation cannot be punitive towards the complainant.

Harassment Investigations

- Impartial investigator (internal or external)
- Confidential
- Interviews, review of documents, assessment of credibility
- Written report
- Notification to parties only, not witnesses
- No retaliation!

Employer Liability

- Harassment by officers and directors acting within the scope of their employment
- Strict liability for harassment by a supervisor with “immediate (or successively higher) authority over the employee”
- An employer is liable for harassment by non-supervisory employees if the employer:
 - “Knew or should have known” about the harassing conduct; and
 - Failed to take immediate and appropriate corrective action.

Retaliation Prohibited

- **The law prohibits retaliation against employees who complain about harassment or participate in a harassment investigation.**
- **Conduct that may constitute retaliation includes:**
 - Demotion, suspension, reduction in pay, termination
 - Negative treatment (gossip, insults, rumors)
 - Change in duties or intangible benefits
 - Hostility or ostracizing
- **Beware of perceived acts of retaliation. The employee who has filed a complaint will be more sensitive to treatment perceived as negative.**
- **Claims of retaliation are taken seriously and should be investigated the same way harassment complaints are investigated.**
- **What should you do if you know someone has filed a harassment complaint?**
 - Don't speculate, gossip, make judgments or jump to conclusions
 - Keep information confidential
 - Be respectful to all sides
 - Don't involve yourself in someone else's complaint unless you are a witness

Employers Should be Vigilant

- **Keep the workforce informed!**

- Regular update of harassment policies
- Ensure all employees have copies of current policies
- Conduct regular trainings (required by law)
- As leaders/supervisors:
 - Set good examples
 - Foster respectful environment
 - Encourage employees to speak with you about concerns
 - Encourage employees to ask questions
 - Learn to recognize problematic interactions and stop them before they become worse

Abusive Conduct and Bullying

“Conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.”
(Govt. Code § 12950.1)

What is Abusive Conduct?

- Not based on membership in protected classification
- More extreme than “bad boss behavior”
- Not related to legitimate business purposes (e.g. a poor performance evaluation is not “abusive”)
- Not illegal
- Prevention training required
- Employers may develop their own discipline policies relating to abusive conduct and bullying

Hypothetical #7

Louise and Jeannette are both supervisors (in different divisions). Louise confides in Jeannette that she is having an affair with another supervisor at the same level. She says she doesn't want to continue the relationship, but she feels uncomfortable breaking it off because it will be awkward for them to work together. Jeannette asks Louise if the relationship is consensual. Louise tells her, "yes, but I wish I could end it." Is Jeannette obligated to report this conduct?

- a) No, because Jeannette does not supervise Louise.
- b) No, because Louise and the employee with whom she is having an affair are at the same level.
- c) No, because the relationship is consensual.
- d) Yes, because the relationship is unwanted.
- e) Yes, because all workplace relationships might potentially constitute sexual harassment.

Hypothetical #8

Rosa is a supervisor. An employee tells her that she saw Sam corner Mary at the holiday party and try to make Mary reveal her sexual orientation. Rosa has been close friends with Sam for many years and does not believe that he would ever do anything inappropriate. Sam has been working for the City for 15 years and has never had a single complaint against him. Rosa believes that the employee who reported the incident is lying. Is Rosa obligated to investigate or report the complaint?

- a) Yes, if Rosa can confirm that there were other witnesses to the incident.
- b) Yes, because Rosa is obligated to act on all reports of potential harassment, even if she does not believe they occurred.
- c) No, because Rosa is 100% certain that Sam is a good person.
- d) No, because Rosa does not think the employee who reported Sam is telling the truth.

Hypothetical #9

David has been Michelle's supervisor for 10 years. They have become friends and often joke around. One day Michelle tells David that she is transitioning to being a man, and would like people to start addressing her as Michael, and to use male pronouns. David laughs and says "come on, Michelle, I've known you for 10 years as a woman, I can't do that." Michael says it is his legal right to identify as a man. David tells him "I'm sorry, but when you started working here and signed up for benefits, all your papers say female. I can't change that now."

Did David do anything wrong?

What could he have done differently?

Hypothetical #10

Bruce, a maintenance worker for the City, walks with a limp. Sometimes that means he gets the job done a little slower than other maintenance workers. Roxanne, his supervisor, asks him why he's always behind on tasks. Bruce tells her that he can't move from place to place as quickly as others. He says "I could work faster if the areas I cover were closer to each other. You assigned me to areas that are very far apart." Roxanne says, "now you want special treatment? Everyone gets treated the same around here." Bruce gets discouraged and says "never mind." Roxanne doesn't tell anyone about their conversation and doesn't change Bruce's assignment. On Bruce's next performance review, Roxanne gives him a low score for speed & efficiency.

What should have happened differently in this scenario?

Hypothetical #11

Karim is an American of Egyptian descent. The City hires him as an engineer. He is a devout Muslim, and sometimes goes into the conference room, closes the doors, and prays. Mary accidentally walks in on him and says, “You can’t do that here; this is a government building.” Karim says that it is his right to practice his religion, and he’s not bothering anyone. As Mary is leaving, she says “I don’t know how it works in Egypt, but in America we have separation of Church and State.” Karim starts to explain that he *is* American, and Mary responds, “I don’t want to hear it. I’ve heard enough from men today.”

What is your opinion about this interaction?

Hypothetical #12

Laura has worked at the City for years, and is a beloved manager. She decides to retire. The City holds a gathering at a bar after work on Laura's last day. In one of the toasts to Laura, her colleague says "We will miss Laura, but let's be honest; we all know she couldn't keep up with our new technology, and she admits it. Here's to her new life as a full-time grandma, and bringing some young faces to the City!" Laura laughs, but another employee around Laura's age complains to the City Manager that she feels like the comment reflects the City's desire to push older employees into retirement.

How should the City respond?

Questions?



Thank you!

Amy Greyson

agreyson@rwglaw.com

213.626.8484

Emily C. Gifford

egifford@rwglaw.com

213.626.8484