

**CHABOT COLLEGE-CITY OF HAYWARD
INTERNSHIP PROGRAM AGREEMENT**

This Agreement dated this 4th day of December 2015, is entered into between Chabot College, a community college of the Chabot-Las Positas Community College District located in Hayward, California, and the City of Hayward, a municipal corporation of the State of California.

Program Objectives:

The internship program is a joint effort between the City of Hayward and Chabot College-CalWORKS Work-Study Program. The goal of the program is to offer work experience and exposure to local government to Chabot College students interested in pursuing this field of study and for the Office of the City Clerk to utilize the skillset of qualified interns. The duration of the internship would be for the length of the semester with deviations subject to the students' performance.

Compensation:

The internship will be a paid position at an hourly rate of \$10.50. Chabot College will compensate student interns directly, with 75% of the wages funded through the CalWORKS Work-Study Program. Through an identified budget from the Office of the City Clerk, the City of Hayward agrees to reimburse Chabot College at the end of each school semester for 25% of the wages paid to student interns, amounting to \$2.625 per hour.

The City Clerk's Office anticipates having each intern work no more than twenty (20) hours per week and plans to have two interns working concurrently each semester. The maximum hours worked by a student intern during the spring or fall semester will be 400 hours, based upon the spring/fall semester each being approximately twenty (20) weeks long. The maximum hours worked by a student intern during the summer semester will be 240 hours, based on the summer semester being approximately twelve (12) weeks long.

Billing:

Chabot College will bill the City on an ongoing semester basis for hours worked by student interns. City will pay Chabot College within thirty (30) days of City's receipt of invoice. If for any reason the contract is terminated prior to the end of the semester, the City will pay Chabot College for the hours worked during that semester within ten (10) working days from the termination date.

Insurance Requirements

During the term of this Agreement, Chabot College shall purchase or maintain in full force and effect, at no cost to the City, insurance policies with respect to student interns participating in the internship program with the City Clerk's Office.

Chabot College shall defend and indemnify the City, its officers, agents, and employees against any claim of liability for injury or damage caused by a negligent or intentional act or omission of the student interns, Chabot College's employees or agents in the performance of this agreement and shall hold City harmless from any loss, damage, or harm, including attorney's fees, occasioned as a result of the performance of this agreement by student interns or Chabot College, including Chabot College's employees or agents.

Background Check Process:

All interns must undergo a background check process that includes fingerprinting through the City of Hayward. Clearances must be obtained prior to the start of the internship program. The Human Resources Department will initiate contact with the prospective intern to schedule an appointment with the Hayward Police Department. Any costs associated with the fingerprinting of individuals at the Hayward Police Department will be covered by the City of Hayward.

Internship Hours:

Each intern will work no more than twenty (20) hours per week while school is in session. The Office of the City Clerk anticipates utilizing more than one intern in a given semester to provide office support.

Qualifications:

Be enrolled at Chabot College and also be eligible for CalWORKS. Chabot College will notify the City of a change in the enrollment status of a student intern within ten (10) working days.

Scope of Work:

Duties may include but are not limited to the following:

- Support the reception desk by providing necessary customer service over the counter and on the telephone to members of the community, business organizations, elected officials and other City employees.
- Schedule appointments on the City Clerk calendar, including passport appointments.
- Assist in the preparation of routine organizational, legislative, and statistical analyses.
- Conduct studies and surveys; assemble data and summarize findings.

- Participate in the research, development, and presentation of various programs.
- Perform general records management, maintain accounting records, and compile data for departmental and city-wide operations.

Training:

Chabot College agrees to train eligible interns through workshops offered by the CalWORKS Work-Study Program which would equip interns with the skills needed to fulfill the Scope of Work.

Learning Objectives:

In order to facilitate an internship program that will benefit interns acquire experience during the course of the internship, the Office of the City Clerk will strive to meet the following Learning Objectives:

- Learn how to achieve excellence in delivery of service to the public.
 - Undergo an interview process with the City Clerk which will include completing an application form and creating a resume tailored for the City Clerk internship program.
- Help conduct a feasibility study on the implementation of a civil marriage ceremony program.
- Develop ideas promoting civic engagement within the City of Hayward.

Internship Expectations:

Interns have to adhere to the Administrative Rules of the City of Hayward and in particular the following which are attached as Exhibits to this agreement:

Administrative Rule 1.7 Computer Network System Use Policy

Administrative Rule 2.9 Alcohol and Drug Abuse Policy

Administrative Rule 2.4 Administrative Rule Against Harassment and Retaliation

The City of Hayward owns and operates its electronic communication systems for use in conducting the official business of the City including access to electronic mail, the Internet and Intranet (COHNet). Administrative Rule 1.7 on Computer Network System Use Policy is intended to provide guidance and direction in the appropriate use of the City's electronic communications systems.

The intent of Administrative Rule 2.9 is to maintain a safe, healthy and productive work environment for all employees. Involvement with drugs and alcohol can have an impact on job performance and employee safety. Violations of this policy may result in disciplinary action, up to and including termination.

The purpose of Admin Rule 2.4 is to reaffirm the City's commitment to prohibit harassment and to prohibit retaliation against those who report or oppose harassment.

The City of Hayward is a customer-focused organization and the apparel worn in the workplace must communicate a professional appearance. When selecting apparel for the workplace, City employees and volunteers select clothing that is comfortable and professional. Specific inappropriate clothing items include: shorts, jeans, leggings, t-shirts, bare midriff or tank tops, or strapless, backless, or low-cut tops/dresses. It is acceptable to wear business casual clothing such as jeans on Fridays.

The selection process:

Candidates must submit a completed application to Chabot College. Chabot College will conduct the prescreening of applications and candidates considered best qualified will move forward and undergo an interview with the City Clerk where they will also be required to submit an application form for the City Clerk's Office and also create and submit a resume tailored for the internship position.

Term of the Agreement:

The term of this Agreement shall begin on the date it is executed by the City of Hayward.

Amendment of the Agreement:

The terms of the Agreement may be amended only by a written document executed by both parties.

Condition for City's Participation:

Participation by the City is contingent upon annual appropriation of sufficient funds. In the event sufficient funds are not appropriated in a subsequent fiscal year, the City may terminate the Agreement and shall only be responsible for financial obligations incurred through the current fiscal year.

CITY OF HAYWARD
a municipal corporation,

Recommended:
City Clerk

William Pens

By: Frances David 12/4/2015
Date
Frances David
City Manager

APPROVED AS TO FORM:

By: Michael S. Lawson
Michael S. Lawson
City Attorney

ATTEST: Miriam Lens
Miriam Lens
City Clerk

CHABOT COLLEGE

By: Jeanne Wilson 12-15-15
Date
Jeanne Wilson
Dean Special Programs & Services

Exhibits:

- Exhibit A: Administrative Rule 1.7 *Computer Network System Use Policy*
- Exhibit B: Administrative Rule 2.9 *Alcohol and Drug Abuse Policy*
- Exhibit C: Administrative Rule 2.4 *Administrative Rule Against Harassment and Retaliation*
- Exhibit D: Certificate of Coverage



CITY OF
HAYWARD
HEART OF THE BAY

CITY OF HAYWARD
ADMINISTRATIVE RULE

A.R. NUMBER 1.7

SUBJECT: COMPUTER NETWORK SYSTEM USE POLICY

- I. **Purpose:** The City of Hayward owns and operates its electronic communication systems for use in conducting the official business of the City. These systems include electronic mail or E-mail and access to the Internet and Intranet. This Administrative Rule is intended to provide guidance and direction in the appropriate use of the City's electronic communications systems. A Glossary of Terms related to electronic communication systems is found in Attachment A to this Administrative Rule.
- II. **Application:** This policy shall apply to all City of Hayward employees, volunteers and any other persons utilizing the City's electronic communications system or utilizing personal electronic devices on City property.
- III. **Responsibility:** It is the responsibility of all employees, guided by managers and supervisors, to implement this policy; and for managers and supervisors to make certain all employees are aware of its provisions, as well as possible consequences for violations of this policy. It is the responsibility of all employees to follow the guidelines established in this policy in regard to the use of the City's system of E-mail, access and use of the Internet/Intranet, and to report any deviations from this policy.
- IV. **Policy:**
 - A. **Privacy**
 1. Use of E-mail, and the Internet/Intranet is for City of Hayward official business, and all communications are the property of the City;
 2. The City respects the individual privacy of its employees. Subject to the effective date of this Administrative Rule, an employee's privacy rights do not extend to use of the City's electronic communications, including E-mail, and access and use of the Internet/Intranet on City networks and equipment;

3. The City reserves the right to retrieve and make proper and lawful use of any and all communications transmitted through E-mail or via the Internet and Intranet on City networks and equipment;

B. Confidentiality

1. Since it is possible for the contents of messages to be viewed during the mailing process, for messages to be delivered to the wrong address, and for messages to be retrieved long after being deleted, nothing regarded as confidential or proprietary should be relayed using the City's electronic communications systems.
2. If employees need to use encryption (a method of protecting data files from unauthorized access by passwording documents), that is above and beyond the security systems provided by Technology Services, they are required to obtain their supervisor's concurrence and to make the passwords or other keys that "unlock" encryption available to their supervisor.

C. Appropriate Use

1. E-mail, on-line services, Internet/Intranet and related services made available to employees shall be used for City business. Incidental and minimal personal use is allowable to the extent that the use does not fall into one of the categories listed under IV. D and does not hinder an employee's ability to effectively and efficiently accomplish his or her work objectives;
2. When using the City's electronic systems, city employees shall use professional and courteous language since they represent the City.

D. Prohibited Uses on City Networks and Equipment

Uses that are not addressed above in IV. C, are generally considered prohibited uses. Examples include but are not limited to:

1. Use for commercial or financial gain and/or in support of commercial ventures;
2. Use for solicitations for contributions, including charitable campaigns, except as specifically authorized by the City or as part of a City-sponsored event;
3. Use for accessing any pornographic sites;

4. Use for sending, downloading, displaying, printing or otherwise disseminating material that is sexually explicit, profane, obscene, harassing, fraudulent, racially offensive, defamatory, libelous, discriminatory based on race, national origin, sex, sexual orientation, age, disability or religious or political beliefs, or which is otherwise unlawful.
5. Use for religious or political causes;
6. Use for attempting to read another person's electronic mail or protected files without authorization;
8. Use for sending E-mails under another employee's account or password, unless authorized by a supervisor;
9. Use for publishing to the Internet/Intranet. Unless otherwise approved by the City Manager, only the City webmaster and other authorized and assigned staff may add or alter information being released on the Internet/Intranet to insure that information released about the City is appropriate and accurate.

E. Prohibited Uses of Personal Electronic Devices on City Property

1. Any use that violates the City's Administrative Rule against Harassment and Retaliation (AR 2.4), or which is in violation of Section IV A-D above.

F. Records Retention

Refer to the Records Retention Program Policy and Schedule in the City Clerk's Department.

1. The City's electronic communications systems will routinely purge (delete) opened messages from a recipient's mailbox within 60 days of being opened without further necessary action by the sender or recipient;
2. Information transmitted by E-mail that will be needed for future use should not be preserved or memorialized as part of the E-mail system.

G. System Security

1. System user passwords shall be the responsibility of each employee. The user password must be changed once every year by prompting from the network system.

2. Passwords must meet the following minimum requirements:
3. It must not contain the user's account name or parts of the user's full name that exceed two consecutive characters. The password must be at least six characters in length. It must contain characters from three of the following four categories:

English uppercase characters (A through Z)

English lowercase characters (a through z)

Base 10 digits (0 through 9)

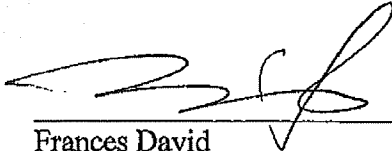
Non-alphabetic characters (for example: !, \$, #, %)

4. It is the responsibility of each user to maintain password security. If you think that someone other than your supervisor or other appropriate city executive may know your password, it is your responsibility to arrange for another password through Technology Services. The City has unlimited access to protect system security and the City's property rights.
5. Users must abide by all applicable software contract provisions as well as federal, state, and local statutes, ordinances, rules and regulations, including, but not limited to, provisions relating to copyright protection. Only City acquired, legally obtained software programs are to be installed and/or used on city computers and all software will be installed and retained only by the Technology Services Department staff. Use of City computer equipment to run other than City-acquired and authorized software is prohibited. City-owned software shall not be copied for personal use.
6. Computers and related equipment, other than assigned laptops, tablets, or smart phones, may not be removed from the workplace, or moved to other locations within City facilities, unless approved in writing by the City Manager's office or the Technology Services Director.
7. Computers and all related equipment are the property of the City of Hayward and must be treated with care. If a problem should occur with computer equipment assigned to you, report the problem promptly to the Technology Services help desk. Do not attempt to resolve network problems, move computer equipment or fix broken equipment yourself.
8. For security purposes, all unauthorized or personal computer equipment, including but not limited to: PDAs, Smartphones, USB memory sticks, external hard drive storage, tablet computers, wi-fi equipment, etc., are not to be used on the City network without

prior written consent from the City Manager or the Technology Services Director

H. Results of Non-compliance

Any use of the City's electronic mail, and the Internet/Intranet in violation of this policy may result in discipline up to and including termination.



Frances David
City Manager

Department Responsible for Revisions: City Manager

Issued: February 17, 2004; revised August 2011

Attachment A: Glossary of Terms

GLOSSARY OF TERMS

- E-mail: (electronic mail) refers to messages that are sent and received over electronic communications networks by means of computers.
- Home Page: the main page of a web site. Typically, the home page serves as an index or table of contents to other documents available at the site.
- Internet: a global network connecting millions of computers and more than 100 countries allowing for access to information and services via computer.
- Intranet: a computer network that belongs to an organization and is accessible only by the organization's employees and others with authorization.
- Personal Electronic Devices (PEDs): PEDs are portable electronic handheld equipment that can be used for the purpose of communication, entertainment, data management, word processing, wireless Internet access, image capture/recording, sound recording and information transmitting and/or receiving. They include, but are not limited to, existing and emerging mobile communication systems and smart technologies (cell phones, smartphones, I-phones, walkietalkies, pagers, etc.), portable internet devices (mobile managers, mobile messengers, BlackBerry™ handsets, etc.), PDAs (Palm® organizers, pocket PCs, etc.), handheld entertainment systems (video games, CD players, compact DVD players, MP3 players, iPods®, Walkman™, etc.), digital or film cameras, digital or analogue audio recorders or video recorders (tape recorders, camcorders, etc.), spy gadgets (spy cameras, covert listening devices, etc.), and any other convergent communication technologies that do any number of the previously mentioned functions. PEDs also include any current or emerging handheld technologies or portable IT systems.
- On-line Service: business that provides its subscribers with a wide variety of data and services, allowing its subscribers to communicate with one another and connecting users with an almost unlimited number of third-party information providers.
- Web Site: a location on the world wide web (www), which is owned and managed by an individual, company or organization. The site contains a home page, as well as other documents and files.
- Webmaster: an individual who manages a web site. This may include creating and updating the web pages of a web site, making sure the hardware and software are working properly, and monitoring traffic through the site.



CITY OF HAYWARD
ADMINISTRATIVE RULE

A.R. NUMBER
2.9 Revised

SUBJECT: ALCOHOL, AND DRUG ABUSE POLICY

- I. Purpose, Coverage, Definitions. It is the intent of this policy to maintain a safe, healthful and productive work environment for all employees. While the City of Hayward has no intention of intruding into the private lives of its employees, involvement with drugs and alcohol can take its toll on job performance and employee safety. To that end, the City of Hayward will act to eliminate any substance abuse, such as alcohol, illegal drugs, or any other substance which could impair an employee's ability to safely and effectively perform the functions of their particular job; or which increases the potential for personal injury, accidents, absenteeism, substandard performance, poor employee morale or damage to the City's reputation.

All employees are covered by this policy and should be aware that violations of the policy may result in disciplinary action, up to and including termination.

For purposes of the following policy, "drugs" means illegal drugs or controlled substances or prescription drugs for which an employee has no current valid prescription in the employee's name.

In recognition of the serious responsibilities entrusted to the employees of the City, and considering that drugs and alcohol hinder a person's ability to perform duties safely and effectively, the following policy against drug and alcohol abuse is hereby adopted by the City of Hayward.

II. Policy.

- A. The unlawful manufacture, distribution, dispensation, possession or use of drugs or alcohol is prohibited in the workplace. It is City policy that employees shall not (1) report to work under the influence of alcohol or drugs; (2) possess alcohol or drugs while on duty; (3) utilize alcohol or drugs while on duty; (4) utilize alcohol or drugs at work or while they are on standby; (5) while on duty, sell or provide drugs or alcohol to any other employee or to any other person; or (6) have their ability to work impaired as a result of the use of the alcohol or drugs. Moderate consumption of alcohol at holiday parties and celebrations authorized by a Department Head is excepted from this policy.
- B. While use of medically prescribed drugs is not per se a violation of this policy, such prescriptions are to be used only as medically authorized and directed. In the event there is a question regarding an employee's ability to safely and effectively

perform assigned duties while using such medications or drugs, clearance from a qualified physician satisfactory to the City will be required. Employees who are taking medication that they know, expect or have reason to believe will impair their ability to safely perform their duties as employees, shall immediately notify their supervisor or Department Head of that fact. This includes medications marked with warnings such as "may cause drowsiness", "use caution when operating a motor vehicle or machinery", etc. Employees may be required to provide clearance by a medical doctor to perform usual duties with medication, but are not obligated to inform supervisors of the specific prescription or its medical purpose.

- C. Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and directed to report immediately to the Department Head or designee. A City management representative shall arrange for appropriate transportation of the employee home from the work site. **For the purpose of this policy, "under the influence" shall mean any detectable presence of alcohol, or a confirmed blood alcohol content of 0.04%.**
- D. Any employee found to be in violation of this policy may be subject to discipline, up to and including termination. All such violations shall be reported to the Human Resources Director or designee. The City recognizes that the abuse of alcohol or drugs is a progressive illness which can be stopped if treated in a sensitive and timely manner; therefore any disciplinary action shall consider the appropriateness of and commitment to treatment programs pursued by the employee, the employee's work record and the good of the general operation of the City.
- E. The City has established an Employee Assistance Program (EAP) which among other things assists those employees who seek help for alcohol or drug problems. Employees who think they may have a drug or alcohol usage problem are urged to voluntarily seek assistance from the Employee Assistance Program. Information about the EAP is available in the Human Resources Department and any inquiries will be treated in a confidential manner. **Employees found to be in violation of this policy may be offered the opportunity to enter a rehabilitation program at the employee's own expense, subject to the recommendations of a substance abuse professional through the EAP.**
- F. Nothing in this policy shall be deemed to pre-empt existing or future departmental policies or to foreclose the City's ability under appropriate circumstances, to conduct testing of employees for drugs and alcohol.

III. Employee Responsibilities. All employees shall:

- A. Not report to or perform work, or return to work from meal or rest break, while under the influence of or after consuming drugs or alcohol such that job performance capabilities are impaired, or manifestations of consumption are evident (e.g., alcohol on breath, drowsiness, glassy or bloodshot eyes, impaired

reflexes, etc.).

- B. Not use alcohol or drugs (illegal drugs and prescription drugs without a prescription) during working hours, or while on standby.
- C. Not possess illegal drugs or prescription drugs without a prescription, or open containers of alcoholic beverages during working hours.
- D. Not directly, or through a third party, manufacture, sell or provide drugs or open containers of alcoholic beverages to any other employee or any other person, on City property, while on duty, or while on standby.
- E. If convicted of a criminal drug violation occurring while on duty or standby or on City property, notify his or her supervisor within five (5) calendar days of the conviction.

IV. Management Responsibilities And Guidelines.

- A. Managers and supervisors are responsible for enforcement of this policy.
- B. Managers and supervisors shall relieve an employee from duty and take appropriate disciplinary action as warranted when a manager or supervisor has a reasonable suspicion that an employee is under the influence of drugs or alcohol. "Reasonable suspicion" is a belief based on objective and articulable facts sufficient to lead a reasonable, prudent supervisor to suspect that an employee is under the influence of drugs or alcohol to the extent that the employee's ability to perform the functions of the job may be impaired, or so that the employee's ability to safely perform his/her job may be reduced.

Examples include, but are not limited to, any of the following, alone or in combination, which might constitute reasonable suspicion:

1. Slurred speech
2. Glassy or bloodshot eyes
3. Alcoholic beverage odor on breath or person
4. Inability to walk a straight line
5. An accident involving City property
6. Physical altercation
7. Verbal altercation
8. Behavior which is so unusual that it warrants summoning a supervisor, or someone else with authority
9. Possession of alcohol, drugs, or drug paraphernalia

The supervisor or manager shall complete a Supervisor's Report of Reasonable Suspicion of Alcohol or Drug Use documenting the physical, behavior or performance indicators leading to the action taken.

- C. An employee reasonably suspected of alcohol or drug use shall be directed to report immediately to the department head or designee. If the employee denies alcohol or drug use and can not provide an explanation for the observed behavior that is satisfactory to the department head or designee, the employee may be directed to immediately undergo a fitness-for-duty evaluation at the City's occupational health clinic, and which may include a test for alcohol or drug use.

Before an employee is tested for reasonable suspicion, two supervisors must substantiate and concur in the decision to test. One supervisor must have received training for detecting symptoms of alcohol or drug use and personally witness the behavior of the employee. A union representative will be present and may confer with the employee and supervisor prior to testing, however, such discussion shall not interfere with or delay the testing procedure for more than one hour.

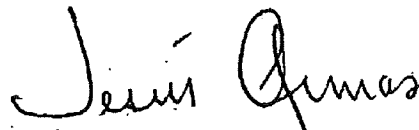
- D. Managers and supervisors shall not physically search employees.
- E. Managers and supervisors shall notify the Police Department when they have reasonable suspicion that an employee may have illegal drugs in his or her possession or at the work site.

V. Dissemination of Policy.

- A. This policy shall be communicated to all employees and reaffirmed at least once annually. Each employee shall receive a copy of this Administrative Rule and confirm that, as a condition of employment, the employee agrees to abide by the terms of this policy.
- B. The City will maintain an alcohol and drug-free awareness program that will inform all employees about:
1. The City's policy and commitment toward maintaining an alcohol and drug-free workplace;
 2. The dangers of alcohol and drug abuse in the workplace;
 3. Available alcohol and drug counseling and rehabilitation programs including "Peer Counselors;" and,
 4. The penalties that may be imposed upon employees for alcohol and drug abuse violations in the workplace which may include termination.

VI. Special Reporting Procedures For Supervisors Of Employees Whose Positions Are Wholly Or Partially Funded By Federal Grant Monies Or Who Work On A City Project So Funded.
Supervisors shall:

- A. Notify each such employees that employment is contingent upon a willingness to:
1. Abide by the terms of the City's policy on drug prohibition in the workplace; and
 2. Notify the City of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- B. Notify the appropriate funding Federal Agency within ten (10) days after receiving notice of any criminal drug statute conviction for a violation occurring in the workplace.
- C. Take one of the following actions within 30 days of receiving notice of a criminal drug statute conviction of an employee found guilty of possessing drugs in the workplace.
1. Initiate immediate and appropriate disciplinary action against such an employee, up to and including termination and/or,
 2. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved by a Federal, State or local health, law enforcement or other appropriate agency.
- D. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all action items outlined in this Administrative Rule.
- E. For employees convicted of a violation of a criminal drug statute occurring in the workplace, the supervisor will provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice will include the identification number(s) of each affected grant.



Jesús Armas
City Manager

Attachment: Confirmation of Receipt of Alcohol and Drug Abuse Policy

Issued: May 31, 1989
Revised: May 30, 1991
Revised: January 1, 1996

**CONFIRMATION OF RECEIPT OF
ALCOHOL AND DRUG ABUSE POLICY**

ADMINISTRATIVE RULE 2.9

I have received a copy of the City of Hayward Alcohol and Drug Abuse Policy contained in Administrative Rule 2.9.

I agree to abide by the terms of the City's Alcohol and Drug Abuse Policy.

Dated: _____

Signature

Witness



A.R. NUMBER
2.4 Revised

ADMINISTRATIVE RULE

SUBJECT: ADMINISTRATIVE RULE AGAINST HARASSMENT AND RETALIATION

- I. Purpose. The purpose of this Administrative Rule against harassment and retaliation is to reaffirm the City Council's unequivocal commitment to prohibit harassment and to prohibit retaliation against those who report or oppose harassment.
- II. Application. The City Council maintains a strict policy prohibiting all forms of harassment in the workplace that are based upon protected classifications as defined in this rule. In addition, the City Council prohibits retaliation against those who complain of harassment. This rule applies to all full-time, part-time, temporary and volunteer employees, managers/supervisors, officers, officials, contractors with the City, and the City Manager, the City Attorney, and the City Clerk ("appointed officers").

The City will take prompt disciplinary action against any employee, supervisory or otherwise, or any appointed officer, who engages in or has been found to have engaged in harassment or retaliation in the workplace as defined below.

- III. Definitions.
 - A. Appointed Officer. This refers to any City official directly appointed by the City Council (i.e., the City Manager, the City Attorney, or the City Clerk.)
 - B. Protected Classifications. This rule prohibits harassment because of an individual's actual or perceived protected classification. "Protected classification" includes sex, race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, or sexual orientation. "Sexual orientation" includes heterosexuality, homosexuality, bisexuality, and gender identity and expression. Harassment because of sex includes sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or other related conditions.
 - C. Policy Coverage. This rule prohibits City officials, officers, employees, contractors, or appointed officers from harassing applicants, officers, officials, employees, persons providing services to the City pursuant to a contract, or clients because of: (1) an individual's protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.
 - D. Harassment. Depending upon the circumstances, a single act of harassment, as defined below, can violate this rule.

1. Verbal Harassment: includes, but is not limited to, epithets, jokes, comments, nicknames, stories, or slurs that tend to disparage a person on the basis of his or her protected classification.
2. Visual Forms of Harassment: includes, but is not limited to, gestures, posters, notices, bulletins, cartoons, emails, photography, or drawings that tend to disparage those with a protected classification.
3. Physical Harassment: includes, but is not limited to, the following conduct taken because of an individual's protected classification: assault, impeding or blocking movement, physically interfering with normal work or movement, pinching, grabbing, patting, propositioning, leering, making express or implied job threats or promises in return for submission of physical acts, mimicking, stalking, or taunting.
4. Sexual Harassment: is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature, which occurs under any one of four circumstances:
 - a. Submission is made either explicitly or implicitly a term or condition of employment or of a contractual business relationship with the City.
 - b. Submission or rejection by an employee is used as a basis for employment decisions affecting the employee.
 - c. Such conduct has the potential to affect an employee's work performance negatively and/or to create an intimidating, hostile, or otherwise offensive working environment.
 - d. Submission or rejection by a client or vendor is used as a basis for making a business decision by the employee or creates an intimidating, hostile, or otherwise offensive working environment.

E. Guidelines for Identifying Harassment.

1. Harassment includes any conduct that would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.
2. It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
3. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome.

Harassment can evolve over time. Small isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.

4. Even visual, verbal, and/or physical conduct between two employees who appear to welcome it can constitute harassment of a third applicant, officer, official, employee, or contractor who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
 5. Conduct can constitute harassment in violation of this rule even if the individual engaging in the conduct has no intention to harass. The City recognizes that it is legitimate for those in protected classifications to have heightened sensitivities to harassment as a result of their life experiences. Even well-intentioned conduct can violate this rule if the conduct is directed at or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).
 6. The conduct of a non-employee, with respect to sexual harassment of employees, applicants, or persons providing services pursuant to a contract in the workplace, may violate this rule if the City, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action.
 7. A single act can violate this rule and provide grounds for discipline or other appropriate sanctions. Therefore, if in doubt as to whether any particular conduct may violate this rule, do not engage in the conduct and seek guidance from a supervisor or from the City's Human Resources Department.
- F. Retaliation. Any adverse conduct taken against an applicant, officer, official, employee, or a person providing services to the City pursuant to a contract because he/she has reported harassment, or has participated in the Complaint Procedure described below, is prohibited. "Adverse conduct" includes taking sides because an individual has reported harassment, spreading rumors about a complainant, shunning and avoiding an individual who reports harassment, or real or implied threats of intimidation to prevent an individual from reporting harassment. Anyone who makes a good faith report about harassment or who participates in the harassment complaint and resolution process is protected from retaliation.
- IV. Complaint Procedure. An applicant, employee, officer, official, vendor, or client, who feels he or she has been harassed or retaliated against in violation of this rule, should report the conduct immediately and according to the following procedure so that the complaint can be resolved quickly and fairly. The City encourages prompt reporting of harassment or

retaliation so that it can investigate and if necessary take immediate and effective action to stop such conduct.

- A. Reporting to the Offending Individual. The City strongly encourages any individual who feels that he or she has been harassed in violation of this rule to let the offending person know immediately and firmly that the conduct at issue is unwelcome, offensive, in poor taste, and/or inappropriate and must stop.
- B. Reporting to Management. If an individual, who has been harassed, prefers not to confront the offending person, he or she need not do so. Instead, the City strongly encourages that individual to immediately report the conduct to any supervisor, Department Director, or to the Human Resources Director. The report can be made orally or in writing. However, the City encourages the individual to use the City's Harassment/Retaliation Complaint Form to make such report; a copy of the form is attached to this rule. The individual must provide all details of the incident or incidents, names of individuals involved, and the names of any witnesses. If an individual is in a bargaining unit, he/she may alternatively choose to file a grievance in accordance with his/her current applicable MOU although use of the Complaint Form is preferred.

In a case involving the conduct of an appointed officer, the report should be made either orally or in writing to the Human Resources Director.

- C. Confidentiality. The City recognizes that confidentiality is important to all parties involved in a harassment and/or retaliation investigation. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible.
- D. Duty to Maintain Confidentiality of Interview. An individual, who is interviewed during the course of an investigation, is prohibited from discussing the substance of the interview, except as otherwise directed by the City Manager, a Department Director, the Human Resources Director, or the Council Appointed Officers Committee, or unless those discussions are with the individual's representative. Any individual, who discusses the content of an investigative interview in breach of this duty, will be subject to discipline.
- E. Confidentiality of Investigation Report. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or a court order.

V. Response to Complaint.

- A. Interim Relief. Any manager or management employee, who receives a complaint or learns of a potential violation of this rule, must immediately report such information to his/her Department Director or to the Human Resources Director; and if necessary, and in consultation with the Human Resources Director, take immediate and appropriate corrective action to stop the conduct at issue and/or to diffuse any volatile circumstances associated with the conduct.
- B. Investigation. The City shall immediately undertake an effective, discreet, thorough, and objective investigation of the allegations at issue. In all cases except as defined herein, the City Manager or a member of his/her executive team ("assignee"), which will most usually be the Human Resources Director, shall either undertake or direct the investigation. The City Manager will undertake or direct the investigation or assign an alternate member of his/her executive team to undertake or direct the investigation if the complaint is against the Human Resources Director. The City Council's Appointed Officers Committee, with the assistance of the Human Resources Director, shall either undertake or direct the investigation if the complaint is against the City Manager, the City Attorney, or the City Clerk.

All such investigations shall be conducted consistent with the investigative responsibilities as set forth below regardless of who has the lead responsibility for the investigation.

Except as otherwise provided in this section, the City Manager or his/her assignee shall coordinate and be responsible for the actions of all individuals involved in the receipt, investigation, and resolution of harassment and/or retaliation complaints. All complaints will be investigated to the extent that the City deems appropriate, and the person directing the investigation shall have the discretion to utilize, if necessary, the services of private attorneys, consultants, investigators, or other specialists. The investigation will normally include interviews of the reporting individual, the accused and any other individuals who are believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain the confidentiality of the content of their interviews and admonish them that retaliation against those who report alleged harassment or who participate in the complaint procedure is prohibited. The investigation shall also include, but not be limited to, the retrieval and review of documents or evidence such as work schedules, letters, computer records, telephone messages, personnel files, gifts, or cards.

The person directing the investigation shall prepare a written report containing findings and conclusions concerning the allegations and forward such report to the City Manager, unless the complaint is against the City Manager or another Council Appointed Officer.

If the complaint involves an appointed officer, the Council Appointed Officers Committee, with assistance from the Human Resources Director, shall prepare a written report containing findings and conclusions concerning the allegations and forward it to the City Council.

- C. Investigation Into Unreported Potential Violations. The City takes a proactive approach to the problem of harassment and will conduct an investigation if its managers become aware that harassment may be occurring, regardless of whether the recipient or a third party reports a potential violation.

- D. Remedial and Disciplinary Action. If the Administrative Investigation concludes that harassment or retaliation in violation of this rule has occurred, the offended and offending parties shall be notified of the general conclusion(s) of the investigation, and the Human Resources Director or other City Manager's assignee will take effective remedial action that is designed to end the violation(s). Any employee or officer determined to be responsible for violating the rule will be subject to appropriate disciplinary action up to and including termination. Disciplinary action may also be taken against any manager who condones or ignores potential violations of this rule or otherwise fails to take appropriate action to enforce this rule. If the City Manager or his/her assignee is directly involved in the Administrative Investigation, neither the City Manager nor the assignee shall decide on discipline for the offending party.

Any official or contractor found to be responsible for violating this rule will be subject to appropriate sanctions.

Likewise, if the Council Appointed Officers Committee concludes that harassment or retaliation in violation of this rule has occurred, the offended and offending parties shall be notified of the general conclusions of the investigation, and the Council Appointed Officers Committee, with the assistance of the Human Resources Director, will take effective remedial action intended to end the violation(s). The appointed officer determined to be responsible for such violation(s) may be subject to disciplinary action as determined by the City Council.

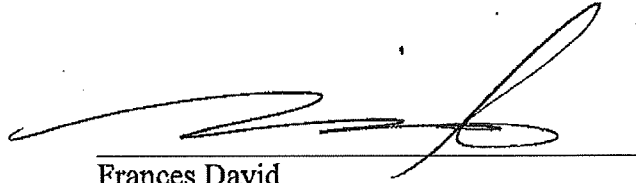
- E. Option to Report to Outside Administrative Agencies. Applicants, employees, officers, officials, and vendors have the option to report harassment or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These governmental agencies offer legal remedies and a complaint process. The web site for each agency lists its nearest offices (EEOC: www.eeoc.gov; DFEH: www.dfeh.ca.gov); alternatively, employees can check the equal employment opportunity posters that are located on City bulletin boards for office locations and telephone numbers.

- F. This rule is not to be construed nor is it intended to prohibit mutually welcome, social relationships which are freely entered into between employees and which have no bearing on employment decisions or benefits.

VI. Individual Responsibilities.

- A. Individual Employee/Contractor. A City employee, official/officer, appointed officer, or contractor is required to:
1. Conduct him or herself consistently with the anti-harassment and anti-retaliation rule as set forth herein;
 2. Report any act which s/he believes in good faith constitutes harassment as defined herein to his or her immediate supervisor, Department Director, or to the Human Resources Director;
 3. Maintain the confidentiality of any investigation the City conducts under this rule by not disclosing the substance of any investigatory interview, except as directed by the Department Director, the Human Resources Director, or the Council Appointed Officers Committee;
 4. Cooperate fully with the City's investigation into alleged violations of this rule by responding fully and truthfully to all questions posed during the investigation.
- B. Management and Supervisory Employees/Appointed Officers. In addition to the responsibilities listed above for individual employees, management and supervisory personnel as well as appointed officers are responsible to help prevent harassment in their departments or areas of responsibility by:
1. Being familiar with this rule and modeling behavior that is consistent with it;
 2. Informing all employees under their direction of the rule and its Complaint Procedure and providing training as appropriate;
 3. Receiving complaints of harassment in a fair and serious manner, documenting steps taken to resolve the problem, and following up with the complaining employee to ensure that the behavior has stopped and that there has been no retaliation;
 4. Reporting any potential violations of this rule of which s/he becomes aware;
 5. Implementing appropriate disciplinary and remedial action based upon the findings of the investigation conducted pursuant to this rule;
 6. Informing one who complains of harassment of his or her option to contact the EEOC or DFEH regarding any alleged harassment or retaliation;

7. Regularly monitoring the work environment and taking immediate and appropriate action to stop potential violations, such as removing inappropriate pictures correcting inappropriate language, or stopping offensive conversation.



Frances David
City Manager

Attachment: Harassment/Retaliation Complaint Form

Department Responsible for Revision: Human Resources
Issued: October 23, 1984
Revised: April 7, 1995
Revised: January 1, 1996
Revised: June 14, 2011

CITY OF HAYWARD

HARASSMENT/RETALIATION COMPLAINT FORM

The City of Hayward is committed to providing a workplace that is free from harassment and retaliation. In conjunction with its commitment, the City encourages any individual who may have been harassed or retaliated against in violation of this Administrative Rule to complete this form and submit it to the City's Human Resources Department. Upon receipt, a thorough, objective investigation into the complaint's allegations will be initiated and, if necessary, prompt remedial action will be taken to stop the conduct at issue or to diffuse any volatile circumstances associated with the conduct.

NAME: _____ DATE: _____
Last Name First Name

ADDRESS: _____
Street Apt. # City Zip

JOB TITLE: _____ DEPARTMENT: _____

TELEPHONE NUMBERS: Work: _____ Home: () _____
Cell: () _____

I prefer to be contacted at: [] Work [] Home [] Cell

1. I wish to complain against: (Name and title(s) of employee(s), department or division)
Name(s) _____

2. Type of Complaint: [] Harassment [] Retaliation

3. A. Harassment: I believe I was subject to harassment based on the following protected categories (check only those which apply):
- | | |
|--|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Age (Over 40) |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Marital Status |
| <input type="checkbox"/> Religious Creed | <input type="checkbox"/> Pregnancy |
| <input type="checkbox"/> Color | <input type="checkbox"/> Mental or Psychological Disorder |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Veteran Status |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Medical Condition | <input type="checkbox"/> Gender |
| <input type="checkbox"/> Physical or Mental Disability | |

B. Retaliation: I believe I was subject to retaliation based on the following (check only those which apply):

- Opposition to harassment
- Participation in a harassment investigation
- Association with a person in a protected classification
- Filing a harassment complaint
- Other (please specify) _____

4. Describe in detail the specific incident(s) or event(s) which serve as the basis for your complaint. Describe each incident or event separately, and please include date(s), time(s) and location(s). If necessary you may attach additional pages to this form.

5. Are there any witnesses to the incident(s) or event(s) described in Item No. 4? If so, please list the names of any individuals who may have observed or witnessed the incident(s) or event(s) and, if possible, their telephone numbers and e-mail addresses.

6. Do you have any documents (for example, letters, emails, notes, photographs) which support your complaint? Yes No If so, please list them below by name and number of pages and attach them to this complaint.

7. Have you discussed this incident(s) or event(s) at issue in this complaint with your: Supervisor? Yes No

Department Director? Yes No

Any City supervisors or managers? Yes No

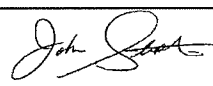
If so, please provide the name and title of the person you spoke with, the date of the discussion, and what, if anything, resulted from the discussion.

8. Have you suffered any injury or harm as a result of the incident(s) or event(s) described in your complaint? Yes No If so, please describe in detail the injury or harm.

9. What remedy are you seeking as a result of your complaint?

I certify that to the best of my knowledge the information I have provided in this complaint is true and correct and the events and circumstances are as I have described them.

Signature: _____ Date: _____

Statewide Association of Community Colleges Protected Insurance Program for Schools					CERTIFICATE OF COVERAGE	Issue Date 6/24/2015
ADMINISTRATOR: Keenan & Associates 1111 Broadway, Suite 2000 Oakland, CA 94607 510-986-6750 www.keenan.com			LICENSE # 0451271		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE COVERAGE DOCUMENTS BELOW.	
COVERED PARTY: Chabot-Las Positas Comm. College Dist. 7600 Dublin Blvd., 3rd Floor Dublin CA 94568			ENTITIES AFFORDING COVERAGE: ENTITY A: Statewide Association of Community Colleges ENTITY B: Protected Insurance Program for Schools ENTITY C: ENTITY D: ENTITY E:			
THIS IS TO CERTIFY THAT THE COVERAGES LISTED BELOW HAVE BEEN ISSUED TO THE COVERED PARTY NAMED ABOVE FOR THE PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE COVERAGE AFFORDED HEREIN IS SUBJECT TO ALL THE TERMS AND CONDITIONS OF SUCH COVERAGE DOCUMENTS.						
ENT LTR	TYPE OF COVERAGE	COVERAGE DOCUMENTS	EFFECTIVE/ EXPIRATION DATE	MEMBER RETAINED LIMIT / DEDUCTIBLE	LIMITS	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCURRENCE <input checked="" type="checkbox"/> GOVERNMENT CODES <input checked="" type="checkbox"/> ERRORS & OMISSIONS <input type="checkbox"/>	SWC 01500-15	7/1/2015 7/1/2016	\$ 50,000	COMBINED SINGLE LIMIT EACH OCCURRENCE \$ 1,000,000	
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> HIRED AUTO <input checked="" type="checkbox"/> NON-OWNED AUTO <input checked="" type="checkbox"/> GARAGE LIABILITY <input checked="" type="checkbox"/> AUTO PHYSICAL DAMAGE	SWC 01500-15	7/1/2015 7/1/2016	\$ 50,000	COMBINED SINGLE LIMIT EACH OCCURRENCE \$ 1,000,000	
A	PROPERTY <input checked="" type="checkbox"/> ALL RISK <input checked="" type="checkbox"/> EXCLUDES EARTHQUAKE & FLOOD <input type="checkbox"/> BUILDER'S RISK	SWC 01500-15	7/1/2015 7/1/2016	\$ 50,000	\$ 250,250,000 EACH OCCURRENCE	
A	STUDENT PROFESSIONAL LIABILITY	SWC 01500-15	7/1/2015 7/1/2016	\$ 5,000	\$ Included EACH OCCURRENCE	
B	WORKERS COMPENSATION <input checked="" type="checkbox"/> EMPLOYERS' LIABILITY	PIPS 00301-10	7/1/2015 7/1/2016	\$	<input type="checkbox"/> WC STATUTORY LIMITS <input checked="" type="checkbox"/> OTHER \$ 1,000,000 E.L. EACH ACCIDENT	
	EXCESS WORKERS COMPENSATION <input type="checkbox"/> EMPLOYERS' LIABILITY			\$	\$ 1,000,000 E.L. DISEASE - EACH EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMITS	
	OTHER			\$		
DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL PROVISIONS: This certificate is being issued for informational purposes only. No rights or coverage is afforded by this coverage.						
CERTIFICATE HOLDER: Proof of Insurance Only			CANCELLATION..... SHOULD ANY OF THE ABOVE DESCRIBED COVERAGES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING ENTITY/JPA WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE ENTITY/JPA, ITS AGENTS OR REPRESENTATIVES.			
			 John Stephens AUTHORIZED REPRESENTATIVE			

DISCLAIMER

The Certificate of Coverage on the reverse side of this form does not constitute a contract between the issuing entity(ies), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the coverage documents listed thereon.