

Discrimination & Harassment Free Workplace Section 1.1 Policy

PURPOSE

To establish policies committed to creating and maintaining a work environment that is free of all forms of discrimination and harassment, including sexual harassment, retaliation, bullying, and malicious false accusation.

To set forth procedural guidelines for the timely resolution of allegations or complaints of discrimination, harassment, and bullying in the workplace. In furtherance of the City's commitment, the City will consider any report of harassment, discrimination, bullying, retaliation, or malicious false accusation to be deserving of investigation.

This policy applies to all phases of the employment relationship, including but not limited to: recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits and selection for training.

This policy applies to all employees, officers, elected officials, volunteers, interns, and independent contractors, including but not limited to full-time and part-time employees, temporary employees and persons working under contract for the City.

POLICY STATEMENTS

The City is an equal opportunity employer and all individuals are to be treated with dignity and respect. The City will not tolerate discrimination or harassment related to any business; related to the hiring promotion, discharge general operations or other privileges of employment. Further, the City will not tolerate harassment or discrimination of its workers by others with whom the City has a business, service, or professional relationship.

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

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

The HR/RM Director is the City Manager's designee to direct, coordinate, and supervise the activities associated with the City's *Equal Opportunity Policy* and the *Discrimination/Harassment Complaint Procedure*.

All new hires, supervisors, and managers shall receive training on harassment and discrimination.

Policy Statement on Discrimination and Harassment:

The City prohibits all forms of discrimination, including any employment related action by an employee that adversely affects an applicant or worker and is based on any protected classification identified in this policy, including age, ancestry, color, physical or mental disability, gender, gender expression, gender identity, genetic information, marital status, medical condition, military and veteran status, national origin, race, religious creed, sex, sexual orientation, and any other classification protected by law. The City's commitment to equal opportunity and non-discrimination extends to all job applicants, employees, and all aspects of employment, including but not limited to recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff, reinstatement, benefits, education, and termination as well as to the provision of reasonable accommodation to qualified persons with disabilities.

The City prohibits discrimination against an individual for having a driver's license obtained without proof of lawful presence in the United States. The City cannot require an employee to present a driver's license unless required by state or federal law or when otherwise permitted by law (e.g., a driver's license is needed to perform an essential function of the job).

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

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

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation of any will not be tolerated.

Policy Statement on Sexual Harassment:

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

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

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

Some examples are:

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

Policy Statement on Racial Harassment:

Title VII of the *Civil Rights Act of 1964*, as amended, prohibits discrimination in any aspect of employment on the basis of race. The City will not tolerate any racial harassment. Examples of racial harassment include derogatory remarks based on race, discriminatory behavior based on race, and any act which places the employee at a deliberate disadvantage based on race.

Policy Statement on Disability Discrimination:

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

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

- Limiting, segregating, or classifying a job applicant or employee in a way that may adversely affect opportunities or status because of the applicant’s or employee’s real, perceived, or history of disability.
- Participating in a contract which could subject an applicant or employee with a disability to discrimination.
- Using any standards, criteria or method of evaluation which could have the effect of discriminating on the basis of disability.
- Denying equal jobs or benefits because of a disability or the perception of a disability.
- Failing to make reasonable accommodations for known physical or mental limitations on an otherwise qualified individual unless it can be shown that the accommodation would impose an undue hardship or create a direct threat.
- Using selection criteria which excludes persons with disabilities unless the criteria is job-related and consistent with business necessity; and
- Failing to use employment tests in a manner that ensures that the test results accurately reflect the applicant’s or employee’s skills or aptitude for a particular job.

Policy Statement on Bullying in the Workplace:

All employees will be treated with dignity and respect and the City will not condone bullying in the workplace. Bullying often comes in subtle ways and affects the overall workplace climate so it should be addressed immediately when detected or reported.

Bullying may be intentional or unintentional. However, when an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration when determining the appropriate level of discipline. As in sexual harassment, it is the effect of the behavior on the individual that is important.

Other Considerations:

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

- Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission and the Department of Fair Employment and Housing guidelines.
- Reasonable requests or demands by a supervisor that a worker improve his/her work quality or output, that the worker report to the job site on time, that the worker comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and worker.

DEFINITIONS

Bullying: Bullying is repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, as the place of work and/or in the course of employment.

The City considers the following types of behavior examples of bullying:

- **Verbal Bullying:** Slandering, ridiculing, or maligning a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Physical Bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- **Gesture Bullying:** Nonverbal threatening gestures; glances that can convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Intimidating or undermining employees by demeaning their work standards, not giving them credit, setting them up for failure and constantly reminding them of old mistakes;
- Threatening employee's personal self-esteem and work status;
- Isolating employees from opportunities, information, and interaction with others;
- Giving impossible deadlines, creating undue pressure and stress, and overworking employees.
- Giving constant and unfair criticism;
- Blaming without factual justification;
- Making unreasonable demands;
- Giving hostile glares and other intimidating gestures;
- Yessing, screaming, and swearing;
- Purposely excluding or isolating a coworker;
- Sending aggressive emails or notes;
- Monopolizing supplies and other resources;
- Engaging in excessive social bantering, teasing, and humiliation;
- Deliberating insulting others and taking part in behind-the-back put downs;
- Monitoring another excessively;
- Stealing credit for another employee's work.

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

Disability: A person is recognized as disabled if he/she:

- Has a physical or mental impairment that limits (i.e., it makes the achievement of the major life activity difficult) one or more major life activities (construed broadly to include physical, mental, social activities and working).
- Has a history of such an impairment known to the employer; or is incorrectly regarded or treated as having or having had such an impairment;
- Is regarded or treated as having or having had such an impairment that presently has no disabling effects, but may become a qualifying impairment in the future.

Discrimination: Discrimination includes all forms of harassment including; verbal, sexual, visual and physical as well as any form of discrimination based upon any protected group, or any other consideration made unlawful by federal, state, or local laws. It may also be based on the perception that anyone who has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics, of a protected group. All such discrimination is unlawful.

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

Harassment: Discriminatory harassment, including sexual harassment, verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class.

It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Hostile Work Environment: A hostile work environment may occur when unwelcome comments or conduct unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive work environment.

Malicious False Accusation: Malicious means to knowingly lie about someone or something with the intent to cause damage to them. To accuse means to make a charge of wrongdoing against another. An accusation that is proven, beyond a reasonable doubt, contrary to fact or truth is a false accusation.

Perceived Disability: Means being regarded as, perceived as, or treated as having a physical or mental impairment.

Protected Group Member: An individual who falls within the following group(s):

- **Age:** Any individual who has reached their 40th birthday.
- **Ancestry:** One's family or ethnic descent, lineage. A person's origin or background.
- **Color:** Based on skin pigmentation (lightness or darkness of skin) complexion, shade, or tone. May occur between persons of different races or ethnicities, or between persons of the same race or ethnicity.
- **Gender:** Refers to sex, gender identity, gender expression, and transgender.
- **Gender Expression:** A person's gender-related appearance or behavior, whether or not stereotypically associated with the person's sex at birth.
- **Gender Identity:** A person's identification as male, female, a gender different from the person's sex at birth, or transgender.
- **Genetic information:** Any information with respect to genetic test of an individual or test of their family member or the manifestation of a disease or disorder in family members. Excludes information on sex or age.
- **Marital Status:** Either married or unmarried.
- **Medical Condition:** Cancer and genetic characteristics – Any health impairment related to or associated with a diagnosis, record or history of cancer or any scientifically or medically identifiable gene or chromosome that is known to be a cause of a disease or disorder or a statistically increased risk of developing a disease or disorder.
- **Military and Veteran Status:** A member or veteran of an US armed force or reserve or US or California National Guard.
- **National Origin:** Ancestors from a particular country, ethnicity or accent, or particular ethnic background, or marriage or association with someone of a particular nationality based on birthplace, surname or linguistic characteristic, including language use restrictions.

- **Physical or Mental Disability:** Any physiological disease, disorder or condition, including HIV and AIDS, cosmetic disfigurement or anatomical loss. Also includes any mental or psychological disorder or condition. Excludes any sexual behavior disorder, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorder resulting from the current illegal use of controlled substance or other drug.
- **Race:** Ancestry or cultural characteristics associated with a certain group of people such as skin color, hair texture or style or certain facial features.
- **Religious Creed:** All aspects of religious belief, observation and practice. Include dress and grooming practices. Very broadly defined covers traditional, organized religions and new, uncommon beliefs that are not part of formal church or sect.
- **Sex:** Gender, but also includes pregnancy, childbirth, breastfeeding, and may related medical conditions, and gender identity and expression.
- **Sexual Orientation:** Heterosexuality, homosexuality and bisexuality.
- **Transgender:** A person whose gender identity differs from the person's sex at birth. A transgender person may or may not have a gender expression that is different from the social expectations of the sex assigned at birth. A transgender person may or may not identify as "transsexual."

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

Quid Pro Quo: (Latin for "this for that") is characterized by explicit or implicit conditioning of a job or promotion on an applicant or employee's submission to sexual advances or other conduct based on sex.

Reasonable Accommodation: Is any change in the work environment or in the way things are customarily done that enables an individual with a disability to perform the essential functions of a job, enjoy an equal opportunity or that accommodate an individual's religious beliefs. There are four (4) types of reasonable accommodations:

- Modifications or adjustments to a job application process that enables a qualified applicant with a disability to be considered for the position that the applicant desires;
- Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position;
- Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities;
- Modifications or adjustments that allow an individual to exercise a "sincerely held" religious belief or practice.

Retaliation: Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

Severe or Pervasive Conduct: Conduct that alters the conditions of employment and creates a hostile or abusive work environment. In determining whether conduct was severe or pervasive, the totality of the circumstances is considered, including any or all of the following:

- The nature of the conduct;
- How often, and over what period of time, the conduct occurred;
- The circumstances under which the conduct occurred;
- Whether the conduct was physically threatening or humiliating;
- The extent to which the conduct unreasonably interfered with an employee's work performance.

Sexual Favoritism: An employee receives preferential treatment with regard to promotion, work hours, assignments, or other significant employment benefits or opportunities because of a sexual relationship with a manager/supervisor who was in a position to grant those preferences.

Sexual Harassment: Sexual harassment is harassing conduct that creates an intimidating, hostile or offensive working environment on the basis of sex or gender. Sexual harassment is unprofessional and detrimental to a high-performing work environment. As with other forms of harassment, the City has a responsibility to respond to matters associated with complaints of sexual harassment.

California law provides that sexual harassment is unlawful and includes verbal, physical, and visual harassment, as well as unwanted sexual advances. An employer may be liable for sexual harassment even when the harassing conduct was not motivated by sexual desire. A person alleging sexual harassment is not required to sustain a loss of tangible job benefits in order to establish harassment. Sexually harassing conduct may be either "quid pro quo" or "hostile work environment" sexual harassment.

Sexual harassment by supervisors and managers can include a statement or insinuation that a refusal to provide sexual favors, or a rejection of sexual favors, will cause reprisal, lack of support for appointments, promotions or transfers, failure of probation, change of assignment, poor performance rating, or some other adverse employment action. Sexual favoritism can also create a hostile work environment under certain circumstances.

To be unlawful, the harassment must be severe or pervasive such that it alters the conditions of the victim's employment and creates an abusive working environment. A single, unwelcomed act of harassment may be sufficiently severe so as to create an unlawful hostile work environment. To be unlawful, the harassment must be both subjectively and objectively offensive.

Sexually Harassing Conduct: Conduct can be verbal, physical, visual, or written, and can occur between two people of the same or opposite sex. Sexual harassment can occur in any working relationship, such as between peers, supervisor to subordinate, subordinate to supervisor, by a member of the public toward an employee, elected official to employee, contract worker to employee within or across departments, as well as in other situations.

- Verbal examples of sexual harassment may include derogatory, demeaning, or sexual comments, insults, slurs, threats, obscene language or sexual jokes, graphic comments about a person's appearance or physique; conversations or comments with sexual undertones, recounting one's

sexual exploits or inquiring about a person's sex life; starting or spreading rumors about the sex life of an employee; or remarks or jokes about a person's ability to do a job because the person is male or female.

- Physical examples of sexual harassment may include unwelcome touching, hugging, kissing, groping, or massaging; sexually suggestive or explicit leering or gestures; physically blocking, cornering, or impeding movement; or revealing body parts of the body when such exposure violates common decency.
- Visual or written examples of sexual harassment may include derogatory, sexually suggestive, offensive, or explicit objects or pictures including cartoons, posters, drawings, or computer graphics; or letters, notes, e-mails, text messages, electronic messaging, tweets, social media status updates, or invitations, including social media invitations, which may be perceived as sexually suggestive, demeaning, offensive, or obscene.

Other examples of sexual harassment may include:

- Job actions taken to pressure a person into accepting sexual advances; or
- In some circumstances, repeatedly asking a person for a date after being turned down;

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

POLICY GUIDANCE

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

Employees are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor, whether that conduct is directed at that employee, or the employee has observed such conduct directed at another employee. Any employee who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Department Head or the HR/RM Director.

Responsibilities are as follows:

A. Individuals

- Any individual who believes that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.
- Individuals who believe they are experiencing discrimination, harassment or retaliation are encouraged to inform the alleged transgressor that his/her behavior is unwelcome. However, this step is not required. If the individual feels uncomfortable, threatened or has difficulty expressing his/her concern, or if doing so does not resolve the concern,

assistance should be sought from a supervisor or manager who is at least one level higher than the alleged transgressor. HR/RM may also assist.

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

B. Management and Supervisory Personnel

Each supervisor and manager shall:

- Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- Ensure their subordinates understand their responsibilities under this policy.
- Ensure individuals who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- Notify HR/RM in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation as soon as possible and no later than the next business day.
- Because of differences in individuals, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:
 - Behavior of supervisors and managers should represent the mission, vision, values and goals of the City and professional work-place standards.
 - False accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent individuals.
 - Supervisors and managers must act promptly and responsibly in the prevention, reporting, and resolution of any form of discrimination, harassment or retaliation.

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

C. Human Resources/Risk Management

The HR/RM Director or his/her designee is responsible for:

- Keeping records of all harassment complaints for a minimum of two (2) years. No destruction should be made without compliance with the City's records destruction resolution.
- Taking all complaints seriously and coordinating an unbiased investigation of complaints.
- Tracking each investigation into each complaint to ensure that the investigation is concluded in a timely fashion, and that the complaining party receives an appropriate and timely response.
- Initiating appropriate disciplinary action based on the finding of an investigation undertaken in consultation with the Department Head and/or supervisor.
- Taking appropriate action to prevent retaliation against a complaining party.

Further Considerations/Information:

To achieve the goals of the City policy, it is necessary that each worker understand the importance of the policy and his/her individual responsibility to contribute toward its maximum fulfillment. Individuals are encouraged to report any and all incidents of harassment and are assured that there will not be any retaliation for having reported, in good faith, any incident of suspected harassment or discrimination.

Anyone having questions regarding the meaning of any of the terms or provisions of this policy should immediately contact the HR/RM Director.

TRAINING

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

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

COMPLAINT RESOLUTION PROCEDURE

Employees are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor, whether the conduct is directed at that employee or the employee has observed such conduct directed at another employee. Any employee who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filled with the Department Head or the HR/RM Director.

Anyone receiving a complaint of harassment, discrimination, or retaliation shall immediately document the complaint in writing and refer the complaint to the HR/RM Department, who will ensure that a timely, effective, thorough, and objective confidential investigation of the allegation(s) is undertaken. In addition, HR/RM will fully inform the employee of:

- His/her rights to complain and redress the harassment or discrimination;
- The worker's own obligations to secure his/her rights; and
- Any assistance available under City policies.
- Timely updates into the status of the investigation into his/her complaint.

All complaints of discrimination or harassment shall be fully documented and promptly and thoroughly investigated. The participating or opposing employees should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

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

During the pendency of any investigation, the supervisor/manager of the involved workers should, in cooperation with the HR/RM Department, take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not limited to, details of the specific incident, frequency, dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

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

After the investigation and findings have been concluded, the City will communicate the confidential findings to the complainant, alleged harasser, and any other concerned party. No provision of this policy shall be construed to prevent any worker from seeking legal redress outside the Department. Workers who believe they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements. Additionally, if a worker thinks he/she has been harassed, discriminated against, or that he or she has been retaliated against for complaining, that person may file a complaint or obtain additional information from the State of California Department of Fair Employment and Housing and/or the Equal Employment Opportunity Commission.