

**KING COUNTY WATER DISTRICT NO. 90
KING COUNTY, WASHINGTON**

RESOLUTION NO. 1090

A RESOLUTION of the Board of Commissioners of King County Water District No. 90, King County, Washington, adopting a Non-Discrimination, Anti-Violence, and Anti-Harassment Policy.

WHEREAS, the District strives to create and maintain a working environment in which people are treated with dignity, decency, and respect; and

WHEREAS; the District finds that discrimination, violence, and harassment have no place in the workplace, or any other location, and that adopting policies to combat such behavior is beneficial to all employees;

WHEREAS; a policy is important so as to inform employees of the District's goals of maintaining a healthy work environment, as well as to encourage employees to report any inappropriate behavior that they may observe or to which they may themselves be subject;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of King County Water District No. 90, King County, Washington, as follows:

SECTION 1: That the District adopts the Non-Discrimination, Anti-Violence, and Anti-Harassment Policy attached hereto.

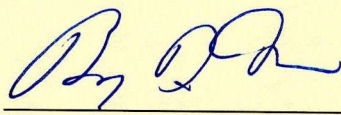
SECTION 2: District Management is authorized to share the policy with all employees, including future employees, and to implement appropriate training or other communication so as to keep employees informed of the policy, and the obligation each of them have to individually act in a professional and appropriate manner while conducting District business.

ADOPTED by the Board of Commissioners of King County Water District No. 90, King County, Washington, at a regular open public meeting thereof on the 1st day of December 2020.

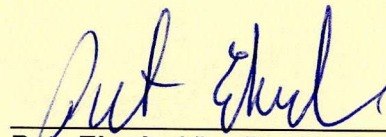
RESOLUTION NO. 1090

SUBJECT: Adopting Non-Discrimination, Anti-Violence, and Anti-Harassment Policy

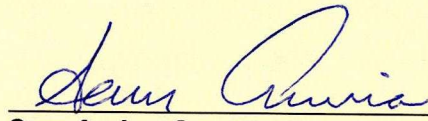
PAGE - 1

 12/2/20

Byron Murgatroyd, President

 12/11/2020

Pete Eberle, Vice-President

 12/1/2020

Sam Amira, Secretary

RESOLUTION NO. 1090

SUBJECT: Adopting Non-Discrimination, Anti-Violence, and Anti-Harassment Policy

PAGE - 2

NON-DISCRIMINATION, ANTI-VIOLENCE AND ANTI-HARASSMENT POLICY

King County Water District No. 90 (KCWD90) strives to create, and maintain a working environment in which people are treated with dignity, decency, and respect. Mutual trust and the absence of intimidation, violence, oppression, and exploitation should characterize the environment of the District. Employees and Commissioners (hereinafter “Employees”) should be able to work, learn, and thrive in a safe yet stimulating atmosphere. KCWD90 is committed in all areas to providing a work environment that is free from harassment. The accomplishment of this goal is essential to the mission of the District. For that reason, KCWD90 will not tolerate unlawful discrimination, violence, or harassment of any kind. Through enforcement of this Policy, and by education of employees, the District will seek to prevent, correct, and discipline behavior(s) that violate this Policy.

All employees, regardless of their position, are covered by and are expected to comply with this Policy and to take appropriate measures to ensure that prohibited conduct does not occur. The purpose of this Policy is to ensure that KCWD90 employees adhere to the District’s Mission/Values Statement and are persons of integrity, observe high standards of honesty, impartiality, exemplary in behavior, and conduct above reproach.

Any employee(s) who violates this Policy will be subject to appropriate disciplinary action. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment. No person will be adversely affected in employment with the employer because of bringing complaints of discrimination, violence, and/or harassment.

1.1 EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION

1.1.1 Policy

It is the District's Policy to employ, retain, promote, discipline, discharge, and otherwise treat all employees and job applicants, equally, based on merit, qualifications, and competency. This Policy is without regard to any individual’s sex, race, color, religion, national origin, ancestry, age, marital status, political affiliation, veteran status, pregnancy, disability status, genetic information, or any physical handicap (which can be accommodated reasonably unless otherwise mandated by statute); all of which are Protected Classes by U.S. Federal Law.

The General Manager is the Coordinator for the District's procedures and the implementation of this Policy.

2.1 ANTI-VIOLENCE

2.1.1 Policy

KCWD90's Policy is to promote a safe environment for our employees and the visiting public and to work with our employees to maintain a work environment that is free from violence, harassment, intimidation, and other disruptive behavior. The District's position in this area is that violence or threats of violence, in any form is unacceptable behavior. Violence in any form will not be tolerated and will be dealt with appropriately. Threatening or intimidating behavior and violent acts may be viewed as a job conduct problem.

Employees at all levels are encouraged to report threatening or intimidating behavior to the appropriate authorities in, and outside KCWD90.

Employees are strictly prohibited from bringing any deadly weapon (firearms, knives, etc.) onto District property, including in vehicles parked on the District premises. If you inadvertently bring such a weapon with you to the District, you are required to report it to the General Manager, and if not available, to your direct supervisor, and then immediately remove the weapon from the District premises.

3.1 HARASSMENT

3.1.1 Definition of Harassment

Harassment is the act of systematic and continued unwanted and annoying action(s) of one party or group, including threats or demands. Harassment based upon an individual's sex, race, ethnicity, national origin, age, religion, or any other legally protected characteristic, is not tolerated.

Harassment also includes stalking. Stalking refers to harassing, intimidating, or threatening conduct that causes the victim to fear for his or her safety or the safety of a family member or would cause a reasonable person in a similar situation to fear for his or her safety.

3.1.2 Statement of Concern

The District will work to eliminate and prevent all forms of harassment, and to alleviate any effects harassment may have on the working conditions of an employee. All harassment is forbidden, including sexual harassment; unsolicited remarks; gestures; physical contact; and display or circulation of derogatory written materials or pictures regarding gender, race, ethnic or religious groups, and personnel decisions based on an employee's response to such harassment.

3.1.3 Policy

The Policy of the District is that every employee has a right to be free of harassment. The District will seek to protect all parties involved from retaliation, false accusations, or future harassment, and where indicated, will take prompt, and adequate remedial measures.

This Policy applies to all KCWD90 employees regardless of work hours or workplace. This Policy applies anywhere a KCWD90 employee acts on behalf of the employer or attends an employer-sponsored event.

Any Manager or Field Foreman receiving a notice of harassment shall notify the District Manager who will immediately contact the President of the Board, and the District's attorney or Risk Pool lawyer for review and investigation.

4.1 **SEXUAL HARASSMENT**

4.1.1 Definition

The Federal Equal Employment Opportunity Commission has defined sexual harassment as follows:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or, (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment.”

4.1.2 Policy

KCWD90 has a zero-tolerance Policy for sexual harassment in our workplace. It is against the policies of KCWD90 for any employee to sexually harass another employee. This refers to acts between supervisors and employees, and between fellow employees.

5.1 **REPORTING AND INVESTIGATION OF VIOLENCE OR HARASSMENT**

5.1.1 Reporting of Violence or Harassment

Any employee who believes he or she has been the subject of discrimination, violence, and/or harassment should report the circumstances immediately to their Supervisor or the District Manager. If the District Manager is the person alleged,

the employee shall report the circumstances to the President of the Board of Commissioners. Such report(s) should be in writing, include the date, approximate time of the incident, what transpired, and who was involved. Such report shall be kept confidential to the extent permitted by law.

5.1.2 Response to Reports of Violence or Harassment

Written reports concerning violence or harassment will be forwarded to the District Manager unless there is an allegation against that person, and if so, then written reports will be forwarded to the Board President, the District's Attorney, and/or the Risk Pool Employment Attorney for review, and investigation.

This procedure will apply to written statements received from reporting employees or written records made by supervisory employees. Whenever supervisory employees become aware of allegations of violence or harassment, they will make a written record of the allegations and will forward the record to the District Manager according to this Policy. The report(s) should be submitted promptly for the investigation.

5.1.3 Investigation

The District Manager, the District's attorney, or another person as designated by the Board President will begin an investigation. The first investigation step shall be to inquire of all persons reporting as to whether the record includes all allegations of discrimination, violence or harassment. The investigation will be conducted promptly on a priority basis.

The investigation will ascertain the facts concerning the allegations. If during the investigation, evidence of discrimination, violence or harassment is found, the District shall initiate such additional reviews, investigations, or disciplines, as required.

The investigator shall advise the employee reported of said allegations, and provide the employee an opportunity to reply orally or in writing. The employee shall also be advised that any retaliatory conduct will be subject to disciplinary action independently of any allegations of discrimination, violence, or harassment.

The results of the investigation shall be documented in writing. Normally a finding shall be made that there is or is not cause for disciplinary action. Such finding in final form shall be affirmed or made by the District's Board of Commissioners. Nothing in this section shall limit the authority of the District to modify policies or practices to correct any appearance of harassment without finding cause for disciplinary action or taking any disciplinary action. The report will also include any recommendations to remedy any harm which was suffered if the evidence shows that the employee alleged to have been affected by discrimination, violence, or harassment was injured or harmed.

Employees who have knowledge of, or have witnessed discrimination, violence, threats, or harassment between coworkers are strongly encouraged to participate in the investigatory phase of this Policy.

A report which finds reasonable cause for disciplinary action will be maintained in the personnel file of any employee subject to discipline. The employee may have placed in the personnel file a statement of rebuttal or correction. For this section, a former employee may present such statements.

Nothing in this Policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state, or federal agencies or the courts.

5.1.4 Medical Examinations (Checkups)

KCWD90 may offer an examination at any time if they believe there may be a medical or psychiatric reason for unacceptable behavior. KCWD90 may order a general medical exam in these situations:

- When the position has medical standards/physical requirements;
- When the District has an approved ongoing medical evaluation program (such as OSHA and MSHA);
- In continuation of pay/workers' compensation cases to assist in placement efforts;
- In reduction-in-force actions, if the new position to which the employee would have placement rights has different medical standards than the one currently occupied by the employee.
- Also, a psychiatric examination (including a psychological assessment) may be ordered only when a general medical examination, properly ordered, indicates no physical explanation for behavior or actions which may affect the safety, and efficient work of the individual or others, or when the position specifically requires such an examination.

5.1.5 Confidentiality & Assistance

The Employee Assistance Program (EAP) provides confidential counseling services to District employees. Individuals wishing to discuss an incident confidentially or seeking information and advice of a personal nature are encouraged to contact the EAP. The role of the EAP in such cases will be limited to personal counseling and treatment for the person who is then an EAP client. Contacting the EAP will not qualify as notification to KCWD90 of a potential violence, harassment, or discrimination issue.

During the complaint process, the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complaining person will be protected to as great a degree as is possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of the District's legal obligation to act on the charge, and the right of the charged party to obtain information. In most cases, however, confidentiality will be strictly maintained by the District and those involved in the investigation. Also, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible, and according to any existing state or federal laws.

5.1.6 Sealing of Records Relating to Harassment

The District will retain records relating to harassment, including written reports regarding alleged harassment, memos between District employees concerning the investigation of such allegations, and District recommendations in response to allegations for a minimum of six (6) years. All such records will be retained in a sealed file. There will be a cross-reference to the sealed file of the reporting employee, the allegedly affected employee, and the employee who was reported to have harassed another.

Once the material in the sealed file is determined to have no reasonable bearing on job performance or on the efficient, and effective management of the District, reference to it in one or more individual personnel files may be removed after the minimum of six (6) year period, as stated.

No information from a sealed file or any indication of cross-reference to sealed file will be disclosed to persons who do not have confidential access to the personal affairs of the District. An employee who reported harassment and an employee who was allegedly affected by harassment may request that the District provide information to another regarding the investigation of the specific harassment. On a case-by-case basis, the District Board, at its discretion, may agree to release certain specified information as authorized.

6.1 CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS

KCWD90 DOES NOT ALLOW romantic or sexual relationships between any District employees. Per the District's views, such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. Also, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect, and may be

viewed by others or, later, by the staff member as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion, or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department, or other actions, including termination, may be taken.