



**REGIONAL TRANSPORTATION COMMISSION**

*Metropolitan Planning • Public Transportation & Operations • Engineering & Construction*

Metropolitan Planning Organization of Washoe County, Nevada

November 20, 2020

**AGENDA ITEM 3.11**

**TO:** Regional Transportation Commission

**FROM:** Angela Reich, SPHR  
Director of Administrative  
Services

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Bill Thomas, AICP  
Executive Director

**RECOMMENDATION**

Approve addition of new language to RTC Personnel Rules: Lead Designation and Pay, and approve modification to RTC Management Policy Anti-Harassment (P-3).

**SUMMARY**

The recommended new language of Lead Designation and Pay (Attachment 1) is to include ability for the Appointing Authority to designate lead responsibilities and pay with approval from the Executive Director. The recommended modification of Anti-Harassment (P-3) is to update with current laws (Attachments 2a and 2b).

**FISCAL IMPACT**

Any fiscal impact is included in the approved Fiscal Year 2021 budget.

**ADDITIONAL BACKGROUND**

The foregoing recommendation continues the process of reviewing and updating the Personnel Rules and Management Policies of the RTC to improve clarity, reduce redundancy and to align them with current laws and management practices.

**PREVIOUS ACTIONS BY BOARD**

October 16, 2020      Approved changes to RTC Personnel Rules  
September 15, 2017      Approved RTC Anti-Harassment (P-3)

Attachments

Lead Designation and Pay

Lead status shall only be for designated positions. Responsibilities include overseeing work schedules, assigning work tasks and training as needed. Lead pay will be a five percent (5%) pay increment during the designation of Lead status by the Appointing Authority with approval from the Executive Director.

RTC Management Policy P-3  
Date Approved: 06/13/1985  
Date Revised: 09/11/1998  
07/20/2007  
09/15/2017

MANAGEMENT POLICY

SUBJECT: ANTI-HARASSMENT

I. PURPOSE

It is the policy of the Regional Transportation Commission (RTC) to promote a productive work environment and not tolerate verbal, physical, written, or graphical conduct/behavior that harasses, disrupts, or interferes with another's work performance or creates an intimidating, offensive, or hostile environment based on race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity/expression, political affiliation, membership in the Nevada National Guard, or any other class that becomes protected by federal and/or state law.

II. SCOPE

- X Public
  - X Board Members
  - X RTC Officers
  - X RTC Employees
  - X Other: Volunteers, Clients, Customers, Vendors, Contractors
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III. DEFINITIONS

- A. Retaliation – Any adverse treatment which occurs because of opposition to prohibited conduct/behavior in the workplace.
- B. Equal Employment Opportunity Officer (EEO Officer – The Administrative Services Director

#### IV. POLICY

##### A. Prohibited Conduct/Behavior

1. RTC will not tolerate any form of harassment, including any conduct/behavior on the part of employees, RTC Commissioners, volunteers, clients, customers, vendors, or contractors that impairs an employee's ability to perform their duties. Examples of prohibited conduct/behavior include, but are not limited to:
  - a. Offensive verbal communication including slurs, jokes, epithets, derogatory comments, degrading or suggestive words/comments, unwanted sexual advances, invitations, or sexually degrading or suggestive words/comments;
  - b. Offensive written communication including notes, letters, notices, emails, texts, or any other offensive message sent by electronic means;
  - c. Offensive gestures, expressions and graphics including leering; obscene hand, finger, or body gestures; sexually explicit drawings; derogatory posters; photographs; cartoons; drawings; or displaying sexually suggestive objects/pictures;
  - d. Physical contact when the action is unwelcomed by recipient including brushing up against someone in an offensive manner, unwanted touching, impeding/blocking normal movement, or interfering with work/movement; OR
  - e. Expectations, requests, demands, or pressure for sexual favors.

##### B. Dealing with Allegations of Discrimination and/or Prohibited Conduct/Behaviors

1. Process: Employees or applicants who believe they are being subjected to any form of prohibited conduct/behavior as described in this policy by another employee, RTC Commissioner, client, customer, vendor, volunteer, or contractor based on race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity/expression, political affiliation, membership in the Nevada National Guard, or any other class that becomes protected by federal and/or state law have an affirmative duty to bring the situation to the attention of RTC, as do those who believe they have witnessed another employee, RTC Commissioner, client or member of the public being subjected to prohibited conduct/behavior.

### Employee Responsibilities

- a. Employees who believe they personally have been subjected to prohibited conduct/behavior, the target of any form of prohibited conduct/behavior, or witness to any other employee being subjected to these behaviors, should immediately:
  - 1) Identify the offensive conduct/behavior to the alleged harasser and request that the behavior cease. An employee is NOT required to talk directly to the alleged harasser or to the employee's supervisor. It is *critical*, however, that the employee contact one of the individuals listed in sections 2 or 3 below if they believe they are being targeted or have witnessed what the employee believes to be prohibited conduct/behaviors directed to or committed by another employee, RTC Commissioner, client, customer, vendor, volunteer, or contractor.
  - 2) If the employee feels uncomfortable speaking directly to the alleged harasser or if the employee requested the prohibited conduct/behavior to cease, but the request did not produce the results desired, the employee should report the conduct/behavior as soon as possible to any supervisor, director, or the EEO Officer.
  - 3) Employees who believe the EEO Officer has engaged in prohibited conduct/behavior should bring their concerns to the attention to the Legal Services Director. The Legal Services Director will designate an objective person to conduct an investigation of such allegations.
  - 4) An employee who witnesses or obtains information regarding prohibited conduct/behavior by their immediate supervisor is required to report the incident to the EEO Officer.
  - 5) Applicants who have concern regarding violations of this policy are encouraged to contact the EEO Officer, or designee.

2. Supervisor and Manager Responsibilities

- a. Regardless of whether the employee involved is in the supervisor or manager's assigned department and regardless of how they became aware of the alleged prohibited conduct/behavior, all supervisors and managers must immediately report all allegations, complaints, or observations of such conduct/behavior to the EEO Officer, assigned department director, or Legal Services Director. The information reported must include:
  - 1) The persons involved, including all witnesses;
  - 2) A written record of specific conversations held with the accused and any witnesses; AND
  - 3) All pertinent facts, including dates, times, and locations.
- b. A supervisor or manager's failure to immediately report such activities, complaints, or allegations will result in discipline, up to and including termination.

3. Investigation

- a. Upon being made aware of allegations or complaints of prohibited conduct/behavior, RTC will ensure that such allegations or complaints are investigated promptly. RTC treats all allegations or complaints seriously and requires all employees to be candid and truthful during the investigation process.
- b. RTC will make efforts to ensure that all investigations are kept as confidential as reasonably possible. Employees shall be required, upon request, to provide information to regulatory agencies. RTC will release information obtained only to those individuals involved in the investigation and the administration of the complaint with a business need-to-know, or as required by law.
- c. RTC will communicate to the individual who made the initial complaint, as well as the individual against whom the complaint was made, that the investigation is completed and appropriate action, if any, has been taken.
- d. If evidence arises that a participant in the investigation made intentionally false statements, that employee will be disciplined, up to and including termination.

- e. If it is determined that a violation of this policy has occurred, RTC will take corrective action against the violator commensurate with the severity of the offense. Such corrective action may include, but is not limited to, counseling, verbal warning, written reprimand, pay reduction, transfer, demotion, suspension without pay, or termination. RTC will also initiate action to deter any future prohibited conduct/behavior from occurring.
  - f. With regard to disability-related complaints, the EEO Officer (when appropriate, working with the Legal Services Director and/or the complainant) shall propose a resolution to the complaint based upon the findings of such investigation. Such resolution will include reasonable accommodation when RTC determines that such a reasonable accommodation can be provided.
- C. **Training:** RTC will provide training a minimum of every two years to all employees on the prevention of discrimination and prohibited conduct/behavior in the workplace. All new employees will be provided a copy of this policy upon hire and the contents will be discussed during the new hire orientation process. A copy of this policy will be made available to applicants upon request.
- D. **Prohibition Against Retaliation:** RTC will not tolerate any retaliation by management or by any other employee against an employee who exercises their rights under this policy. Any employee who believes they have been harassed, retaliated, or discriminated against in any manner whatsoever as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigative process should immediately notify the EEO Officer or designee. RTC will promptly investigate and deal appropriately with any allegation of retaliation.

- END -

RTC Management Policy P-3

Date Approved: 6/13/1985

Date Revised: 9/11/1998

Date Revised: 7/20/2007

Date Revised: 9/15/2017

Approved: \_\_\_\_\_

A large, stylized handwritten signature in black ink is written over the signature line.

MANAGEMENT POLICY

SUBJECT: ANTI-HARASSMENT POLICY

POLICY

The Regional Transportation Commission (RTC) promotes a productive work environment and does not tolerate verbal, physical, written, or graphical conduct/behavior(s) that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment based on that person's race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard, or any other class that becomes protected by federal and/or state law.

PROHIBITED CONDUCT/BEHAVIOR(S)

The RTC will not tolerate any form of harassment, including any conduct/behavior(s) on the part of employees, volunteers, clients, customers, vendors, contractors, etc., that impairs an employee's ability to perform his/her duties. Examples of prohibited conduct/behavior(s) include, but are not limited to:

1. Offensive verbal communication including slurs, jokes, epithets, derogatory comments, degrading or suggestive words or comments, unwanted sexual advances, invitations, or sexually degrading or suggestive words or comments.
2. Offensive written communication including notes, letters, notices, emails, texts, or any other offensive message sent by electronic means.
3. Offensive gestures, expressions and graphics including leering, obscene hand, finger, or body gestures, sexually explicit drawings, derogatory posters, photographs, cartoons, drawings, or displaying sexually suggestive objects or pictures.
4. Physical contact when the action is unwelcomed by recipient including brushing up against someone in an offensive manner, unwanted touching, impeding or blocking normal movement, or interfering with work or movement.
5. Expectations, requests, demands, or pressure for sexual favors.

**DEALING w/ALLEGATIONS of DISCRIMINATION and/or PROHIBITED CONDUCT/BEHAVIOR(S)**

***Process***

Employees or applicants who believe they are being subjected to any form of prohibited conduct/behavior(s) as described in this policy by another (e.g. employee, client, customer, vendor, volunteer, contractor, etc.) based on their race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, membership in the Nevada National Guard, or any other class that becomes protected by federal and/or state law, as well as those who believe they have witnessed another employee, client or member of the public being subjected to prohibited conduct/behavior(s), have an affirmative duty to bring the situation to the attention of the RTC.

***Employee Responsibilities***

Employees who believe they personally are being or have been subjected to prohibited conduct/behavior(s) and/or are the target of any form of prohibited conduct/behavior(s), or have witnessed any other employee being subjected to these behaviors, should immediately:

1. Identify the offensive conduct/behavior(s) to the alleged harasser and request that the behavior cease.

*Note:* An employee is **NOT** required to talk directly to the alleged harasser or to the employee's supervisor/manager. It is **critical**, however, that the employee contact one of the individuals listed in sections 2 or 3 below if s/he believes s/he is being targeted or has witnessed what the employee believes to be prohibited conduct/behaviors(s) directed to or committed by another employee(s), client(s), customer(s), vendor(s), volunteer(s), contractor(s), etc.

2. If the employee feels uncomfortable in speaking directly to the alleged harasser or if the employee requested the prohibited conduct/behavior(s) to cease, but the request did not produce the results desired, the employee should report the conduct/behavior(s) as soon as possible to any supervisor/manager or the Administrative Services Director.
3. Employees who believe the Administrative Services Director has engaged in prohibited conduct/behavior(s) should bring such concerns to the attention to the Director of Legal Services. The Director of Legal Services will designate an objective person to conduct an investigation of such allegations. Employees may also report the conduct/behavior(s) to the RTC's chief attorney.
4. An employee who witnesses or obtains information regarding prohibited conduct/behavior(s) by his/her immediate supervisor/manager is required to report the incident to the Administrative Services Director.
5. Applicants who have concern regarding violations of this policy are encouraged to contact the Administrative Services Director or the alternate.

***Supervisor/Manager Responsibilities***

Regardless of whether the employee involved is in the supervisors/manager's department and regardless of how s/he became aware of the alleged prohibited conduct/behavior(s), all supervisors/managers must immediately report all allegations or complaints or observations of such conduct/behavior(s) to the Director of Administrative Services, Department Director, or Director of Legal Services. The information reported must include:

1. The persons(s) involved, including all witnesses;
2. A written record of specific conversations held with the accused and any witnesses; and
3. All pertinent facts, including date(s), time(s), and locations(s).

A supervisor's/manager's failure to immediately report such activities, complaints, or allegations will result in discipline, up to and including termination.

***Investigation***

Upon being made aware of allegations or complaints of prohibited conduct/behavior(s), the RTC will ensure that such allegations or complaints are investigated promptly. The RTC treats all allegations or complaints seriously and requires all employees to be candid and truthful during the investigation process.

The RTC will make efforts to ensure that all investigations are kept as confidential as reasonably possible. Employees will be requested to refrain from discussing the subject content with others, particularly while the investigation is in progress. Employees shall be required, upon request, to provide information to regulatory agencies. The RTC will release information obtained only to those individuals involved in the investigation and the administration of the complaint with a business need-to-know, or as required by law.

The RTC will communicate to the individual who made the initial complaint, as well as the individual against whom the complaint was made, will be made aware that the investigation is completed and appropriate action, if any, has been taken.

If evidence arises that a participant in the investigation made intentionally false statements, that employee will be disciplined, up to and including termination.

If it is determined that a violation of this policy has occurred, the RTC will take corrective action against the violator commensurate with the severity of the offense. Such corrective action may include, but is not limited to, counseling, verbal warning, written reprimand, pay reduction, transfer, demotion, suspension without pay, or termination. The RTC will also initiate action to deter any future prohibited conduct/behavior(s) from occurring.

With regard to disability-related complaints, the Administrative Services Director (when appropriate, working with the Director of Legal Services and/or the complainant) shall propose a resolution to the complaint based upon the findings of such investigation. Such resolution will

include reasonable accommodation when the RTC determines that such a reasonable accommodation can be provided by the RTC.

***Training***

The RTC will provide training a minimum of every two years to all employees on the prevention of discrimination and prohibited conduct/behavior(s) in the workplace. All new employees will be provided a copy of this policy upon hire and the contents will be discussed during the new hire orientation process. A copy of this policy will be made available to applicants upon request.

***Prohibition Against Retaliation***

Retaliation is adverse treatment which occurs because of opposition to prohibited conduct/behavior(s) in the workplace. The RTC will not tolerate any retaliation by management or by any other employee against an employee who exercises his/her rights under this policy. Any employee who believes s/he has been harassed, retaliated, or discriminated against in any manner whatsoever as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigative process should immediately notify the Director of Administrative Services or the alternate. The RTC will promptly investigate and deal appropriately with any allegation of retaliation.