

CONVICTION RECORD STATEMENT

Completion of this form is mandatory upon being presented with a conditional offer of employment.

UNTRUTHFUL, INCOMPLETE, OR MISLEADING ANSWERS WILL RESULT IN WITHDRAWAL OF THIS EMPLOYMENT OFFER OR DISMISSAL FROM EMPLOYMENT.

Often-heard excuses include:

- I was told it would be erased from my record.
- I didn't think you meant misdemeanors.
- I don't like to think about that part of my life.
- I didn't think it would show up.
- That was a long time ago.
- I didn't think it would matter for this job.

If you do have a conviction record it will be reviewed in relation to the specific duties and requirements of the position.

Have you ever been:

- Convicted
- Placed on probation
- Fined
- Forfeited collateral for breach or violation of any law or ordinance?
(Excepting minor traffic violations)

Yes No
(If answer is Yes, give details below.)

Date	Place	Charges	Penalties	Remarks

Upon being presented with a conditional offer of employment, you will be fingerprinted at the Human Resources Department. Your fingerprints will be sent to the Federal Bureau of Investigations (FBI) and to the California Department of Justice for a conviction record check. The information will be returned to the Human Resources Department by both agencies.

Male Female

Print Full Name

Applicant's Signature

Alias

Maiden name

Position Title

Driver's License Number

Department

Date of Birth

FOR USE BY THE HUMAN RESOURCES DEPARTMENT

1. Local & County Police Record File. Local & County Record _____
No Local or County Record of Conviction _____
2. Local S.D. Co. Warrants (MA09). T/T Ran _____
3. Wanted Persons Check (QW). T/T Ran _____

When completed, return in a sealed envelope to the Human Resources Department

Completed By: _____ ID #: _____

Date: _____

ADDITIONAL NOTES:



REQUEST FOR LIVE SCAN SERVICE

Applicant Submission

ORI (Code assigned by DOJ) _____ Authorized Applicant Type _____

Type of License/Certification/Permit OR Working Title (Maximum 30 characters - if assigned by DOJ, use exact title assigned) _____

Contributing Agency Information:

Agency Authorized to Receive Criminal Record Information _____ Mail Code (five-digit code assigned by DOJ) _____

Street Address or P.O. Box _____ Contact Name (mandatory for all school submissions) _____

City _____ State _____ ZIP Code _____ Contact Telephone Number _____

Applicant Information:

Last Name _____ First Name _____ Middle Initial _____ Suffix _____

Other Name (AKA or Alias) Last _____ First _____ Suffix _____

Date of Birth _____ Sex Male Female _____ Driver's License Number _____

Height _____ Weight _____ Eye Color _____ Hair Color _____ Billing Number _____
(Agency Billing Number)

Place of Birth (State or Country) _____ Social Security Number _____ Misc. Number _____
(Other Identification Number)

Home Address Street Address or P.O. Box _____ City _____ State _____ ZIP Code _____

Your Number: _____ Level of Service: DOJ FBI
OCA Number (Agency Identifying Number)

If re-submission, list original ATI number: _____ Original ATI Number _____
(Must provide proof of rejection)

Employer (Additional response for agencies specified by statute):

Employer Name _____ Mail Code (five digit code assigned by DOJ) _____

Street Address or P.O. Box _____

City _____ State _____ ZIP Code _____ Telephone Number (optional) _____

Live Scan Transaction Completed By:

Name of Operator _____ Date _____

Transmitting Agency _____ LSID _____ ATI Number _____ Amount Collected/Billed _____



**STATEMENT ACKNOWLEDGING REQUIREMENT
TO REPORT CHILD ABUSE AND NEGLECT**

State law requires that any person who enters into employment on and after January 1, 1985, as a "mandated reporter" of child abuse and neglect, prior to commencing employment shall sign a statement that he or she has knowledge of the provisions of section 11166 of the Penal Code and will comply with its provisions.

You have been identified as a "mandated reporter" within the meaning of the statute. The definition of mandated reporter (Pen. Code, § 11165.7) is attached, along with the provisions for your reporting obligations (Pen. Code, § 11166),* and the provisions for the content of reports and the confidentiality of those who report (Pen. Code, § 11167).

In summary, section 11166 of the Penal Code requires any "mandated reporter" who has knowledge of or observes a child in his or her professional capacity, or within the scope of his or her employment, who he or she knows or reasonably suspects has been the victim of child abuse or neglect to report the known or suspected instance of child abuse or neglect to a child protective agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

Any person who fails to report an instance of child abuse or neglect which he or she knows to exist or reasonably should know to exist, as required, is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than one thousand dollars (\$1,000) or by both.

The law also provides that a person who does report as required or who provides a child protective agency with access to a victim shall not be civilly or criminally liable for doing so (Pen. Code, § 11172).

I have read the above statement and will comply with the applicable reporting requirements.

Employee's Name: _____ Dept.: _____

Signature: _____ Date: _____

Witness: _____ Date: _____

*****If you have knowledge of or observe a child whom you know or reasonably suspect has been abused or neglected you must make a report to Child Protective Services immediately, or as soon as practicably possible by calling 1-800-344-6000.***

CITY OF OCEANSIDE
Supplemental Questionnaire – Criminal Record

Pursuant to California Public Resources Code 5164, all applicants for positions involving supervisory or disciplinary authority over any minor must complete this form. Please complete all questions.

		YES	NO
1	Have you ever been convicted of sexual assault or assault with intent to commit mayhem?		
2	Have you ever been convicted of unlawful sexual intercourse with a person under age 18?		
3	Have you ever been convicted of rape?		
4	Have you ever been convicted of willful harm or injury to a child?		
5	Have you ever been convicted of child endangerment?		
6	Have you ever been convicted of the rape of a spouse?		
7	Have you ever been convicted of corporal punishment or injury to a child?		
8	Have you ever been convicted of willful infliction of corporal injury to a spouse, former spouse, cohabitant, or mother or father of your child?		
9	Have you ever been convicted of any sexual crime or offense?		
10	Have you ever been convicted of any of the following crimes or an attempt to commit any of the following crimes?		
10.1	Kidnapping		
10.1.1	If yes, were you convicted of kidnapping for ransom or attempted kidnapping with the intent to commit rape, sodomy, lewd or lascivious acts, oral copulation, or forcible acts of sexual penetration?		
10.2	Kidnapping for ransom		
10.2.1	If yes, were you convicted of kidnapping for ransom or attempted kidnapping for ransom with the intent to commit rape, sodomy, lewd or lascivious acts, oral copulation, or forcible acts of sexual penetration?		
10.3	Sexual battery		
10.4	Aiding and abetting or soliciting the rape, rape of a spouse, or forcible acts of sexual penetration		
10.5	Enticement of an unmarried minor for purposes of prostitution		

		YES	NO
10.6	Aiding and abetting the enticement of an unmarried minor for purposes of prostitution		
10.7	Inducing sexual intercourse with another when the other's consent is procured by false pretenses with the intent to create fear		
10.8	Pimping of a minor		
10.9	Pandering of a minor		
10.10	Procurement of a child under 16 years of age for lewd or lascivious acts		
10.11	Abduction (taking away) of a person under age 18 for purposes of prostitution		
10.12	Aggravated sexual assault of a child		
10.13	Incest		
10.14	Sodomy		
10.15	Lewd or lascivious acts or the solicitation of the same		
10.16	Oral Copulation		
10.17	Continuous sexual abuse of a child		
10.18	Forcible acts of sexual abuse of a child		
10.19	Selling, distributing, printing or exhibiting of child pornography		
10.20	Sexual exploitation of a child		
10.21	Employment or use of a minor to perform prohibited acts		
10.22	Advertising child pornography		
10.23	Possession of child pornography		
10.24	Annoying or molesting a child under 18		
10.25	Solicitation of rape by force or violence, sodomy by force or violence or oral copulation by force or violence		
10.26	Indecent exposure		
10.27	Procuring, counseling or assisting any person to commit indecent exposure		

		YES	NO
10.28	Contributing to the delinquency of a minor		
10.29	Sending harmful material to a minor with the intent to seduce said minor		
11	Have you ever been convicted of armed robbery?		
12	Have you ever been convicted of armed carjacking?		
13	Have you ever been convicted of assault or attempted murder of a Public official?		
14	Have you ever been convicted of false imprisonment?		
15	Have you ever been convicted of assault?		
16	Have you ever been convicted of battery?		
17	Have you ever been convicted of murder?		
18	Have you ever been convicted of mayhem?		
19	Have you ever been convicted of a crime that requires you to register as a sex offender in the State of California?		

CERTIFICATION OF APPLICANT

I hereby certify that all responses herein are true and correct, and I understand and agree that any misstatement or omission of material fact may cause forfeiture on my part of all rights to employment by this City.

Name	
Signature	
Date	



Memorandum
HUMAN RESOURCES DEPARTMENT

TO: All Employees

FROM: Robert O'Brien, Human Resources Director

DATE: September 19, 2016

SUBJECT: POLICY ON DRUGS IN THE WORKPLACE and
HARASSMENT/DISCRIMINATION/RETALIATION PREVENTION POLICY

The Drug Free Workplace Act of 1988 requires that recipients of \$25,000 or more from any federal agency must maintain drug-free workplaces. Because we receive money from the Federal government, the City is required to notify employees of our policy on drugs in the workplace.

The Drugs in the Workplace Policy (AD-07) is consistent with the Standards of Conduct in each Memorandum of Understanding and the Compensation Plan for Unrepresented Employees. Violation of the policy may be cause for disciplinary action, up to and including termination.

The City has an Employee Assistance Program (EAP), for all permanent employees, to assist employees who voluntarily seek help for drug problems. You may call Cigna, Employee Assistance Program, at (888) 371-1125 to arrange to talk to a counselor in confidence. Contact the Employee Services Office at (760) 435-3516 for additional information. In addition, the Human Resources Department provides training and other information for employees regarding the dangers of drug abuse and various programs of assistance.

The City of Oceanside does not tolerate harassment, discrimination, or retaliation in the workplace. A procedure for reporting and investigating such complaints has been developed and is included in the City of Oceanside Harassment/Discrimination/Retaliation Prevention Policy (AD-43).

Copies of the City of Oceanside Policies on Drugs in the Workplace and Harassment/Discrimination/Retaliation Prevention are attached. Please keep the copies of the policies and return this memorandum, with your signature, to the Human Resources Department.

Your signature below indicates that you have received a copy of the City of Oceanside Policy on Drugs in the Workplace and Harassment/ Discrimination/Retaliation Prevention Policy, and that you have read and understand their content.

Name (Please Print)

Date

Signature

CITY OF OCEANSIDE ADMINISTRATIVE DIRECTIVE		
SUBJECT: Drug-Free Workplace Policy	NUMBER AD-07	PAGE 1 OF 3
	ISSUE DATE: January 24, 2017	
<i>Previously issued on 10/6/2008</i>		

I. PURPOSE

This policy is intended to inform current and prospective City of Oceanside employees of the City's commitment to create and maintain an alcohol/drug-free work environment, and should be read in combination with Administrative Directive AD-61 regarding related testing procedures.

The City of Oceanside recognizes that behavior resulting from the use of alcohol or drugs detrimentally affects work performance and public confidence in the City's work force. Such behavior also presents a risk to City employees and the health and welfare of the citizens of Oceanside.

This policy establishes procedures which are to be utilized for violations of the policy and also provides guidance to employees and supervisors in implementation of the policy.

The City of Oceanside believes that its employees are its most important asset, and identifying and successfully treating alcohol or drug abuse will enable the affected employee to return to a satisfactory job performance level.

II. POLICY

The City believes in promoting and enforcing the maintenance of a workplace free of drugs and alcohol. It is City policy that employees shall not be under the influence of or in possession of alcohol or drugs while on city property, at work locations, while operating a City vehicle or equipment, or while on duty or subject to recall to duty (even if off City property); shall not utilize such substances while they are subject to City duty; shall not sell or provide drugs or alcohol to any other employee or to any person while on duty or subject to recall duty; and shall not have their ability to work impaired as a result of the use of alcohol or drugs.

III. APPLICATION

This policy applies to all full-time, part-time, temporary and volunteer employees, and prospective employees for safety-sensitive positions, of the City of Oceanside.

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SUBJECT: Drug-Free Workplace Policy	NUMBER AD-07	PAGE 2 OF 3
	ISSUE DATE: January 24, 2017	
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IV. REQUIREMENTS

All City employees are subject to this policy and shall not be at work or engaging in work-related activities or be on standby time while under the influence of alcohol or drugs.

"Drug" means any illegal drugs, intoxicants, or controlled substances, at any time and in any amount or in any manner, including all drugs, the possession of which are illegal under federal law, and prescription drugs for which the individual does not have a valid prescription. Because marijuana is illegal under federal law, and in accordance with California's Health and Safety Code, the City is neither obligated to nor will it accommodate or permit an employee's medical marijuana or recreational marijuana use or possession. "Alcohol" means any substance causing an increase in Blood Alcohol Level.

Use of medically prescribed drugs pursuant to a prescription or non-prescribed medications used in accordance with the manufacturer's discretion is not a violation of this policy. However, an employee shall notify his or her supervisor, before beginning work, when taking any medications or drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of equipment. Failure to provide such notification may be grounds for disciplinary action.

An employee shall not use or possess alcohol or drugs, other than prescription or over-the-counter drugs, while on duty or while on paid standby time, and shall not sell or provide alcohol or drugs to any person while on duty or while on paid standby time. This requirement may not apply to Police undercover work.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program. Employees should contact their supervisors or the Human Resources Department for additional information. While the city will be supportive of those who seek help voluntarily, it will be equally firm in identifying and disciplining those who continue substance abuse even while enrolled in counseling or rehabilitation programs.

An employee must notify his or her supervisor or the Human Resources Director within five (5) days of any conviction of any alcohol or drug-related

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crime. The Human Resources Director will investigate and evaluate the need for further action.

Violations of this policy shall be grounds for disciplinary action pursuant to the Personnel Rules and Regulations of the City of Oceanside.

V. MANAGEMENT AND SUPERVISORY RESPONSIBILITIES

Managers and supervisors are responsible for consistent and reasonable implementation and enforcement of this policy.

A supervisor should not attempt to diagnose an employee's problems. The supervisor's role is to monitor job performance. It shall be the responsibility of supervisors at every level to seek support from the Department Head and Human Resources Director, and encourage employees to use the Employee Assistance Program (EAP) when deteriorating or unsatisfactory job performance does not respond to usual supervisory actions.

Managers and supervisors must notify the Human Resources Director immediately after an employee reports a conviction for any drug-related crime.

VI. RESPONSIBILITY FOR REVIEW

The Human Resources Director shall review this policy annually or as necessary.

Date of Approval 1-24-17


City Manager

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SUBJECT: Harassment, Discrimination, Retaliation Prevention	NUMBER AD-43	PAGE 1 of 10
	ISSUE DATE: 1/10/2014	
Previously issued as 02-07, issued 4/13/07, rev. 12/28/11		

I. EEO STATEMENT

The City of Oceanside is committed to providing equal employment opportunity to all potential applicants and employees without regard to an individual's race, religion, color, sex, gender identity/expression, genetic information, sexual orientation (including heterosexuality, homosexuality and bisexuality), national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition and physical or mental disability (whether perceived or actual). All employment decisions shall be made on the basis of merit and in conformity with applicable state and federal laws.

II. PURPOSE

It is the City of Oceanside's intent and the purpose of this policy to provide all employees, volunteers, applicants and contractors with an environment that is free from any form of discriminatory harassment, discrimination or retaliation. This policy prohibits harassment or discrimination on the basis of any of the following protected classifications: an individual's race, religion, color, sex, gender identity/expression, genetic information, sexual orientation (including heterosexuality, homosexuality and bisexuality), national origin, ancestry, citizenship status, uniformed service member status, military and veteran status, marital status, pregnancy, age, medical condition and physical or mental disability (whether perceived or actual) as well as any other category protected by federal, state or local laws. It is also the policy of the City of Oceanside to provide a procedure for investigating alleged harassment, discrimination and retaliation in violation of this policy. The protection from discrimination includes the protection from retaliation for having taken action either as a complainant, or for assisting a complainant in taking action, or for acting as a witness or advocate on behalf of an employee in a legal or other proceeding to obtain a remedy for a breach of this policy.

III. POLICY

The City of Oceanside has zero tolerance for any conduct that violates this policy. Conduct need not rise to the level of a violation of the law in order to violate this policy. Instead, a single act can violate this policy and provide grounds for discipline or other appropriate action. If you are in doubt as to whether any particular conduct may violate this policy, do not engage in the conduct, and seek guidance from any supervisor or the Human Resources Director.

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IV. DEFINITIONS

Protected Classification

This policy prohibits harassment and discrimination because of an individual’s protected classification(s). “Protected Classification” includes race, religion, color, sex, gender identity/expression, genetic information, sexual orientation (including heterosexuality, homosexuality and bisexuality), national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition and physical or mental disability (whether perceived or actual).

Policy Coverage

This policy prohibits City officials, officers, employees, volunteers and contractors from harassing or discriminating against applicants, officers, employees, volunteers and contractors because: (1) of an individuals’ protected classification, (2) of 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.

Discrimination

This policy prohibits treating an individual differently because of the individual’s protected classification as defined by this policy.

Harassment

Harassment means unsolicited words or conduct which subjectively and objectively offend another person. Harassment includes, but is not limited to, the following examples of behavior undertaken because of an individual’s protected classification:

Verbal harassment, such as epithets (nicknames and slang terms), derogatory or suggestive comments, propositioning, jokes or slurs including graphic verbal commentaries about an individual’s body, or that identify a person on the basis of his or her protected classification. Verbal harassment includes comments on appearance and stories that tend to disparage those of a protected classification.

Visual forms of harassment, such as derogatory posters, notices, bulletins, cartoons, drawings, sexually suggestive objects or e-mails on the basis of a protected classification.

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Physical harassment, such as assault, touching, impeding or blocking movement, grabbing, patting, leering, making express or implied job-related threats in return for submission to physical acts, mimicking, taunting, or any physical interference with normal work or movement.

Sexual harassment, such as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature or any of the above-described conduct when:

- Submission to such conduct is either an expressed or implied term or condition of an individual's employment, or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile, intimidating or offensive work environment.
- Sexually harassing conduct need not be motivated by sexual desire.

By definition, sexual harassment is not within the course and scope of an individual's employment with the City of Oceanside.

V. ROMANTIC AND SEXUAL RELATIONSHIPS BETWEEN SUPERVISORS AND SUBORDINATES

Romantic or sexual relationships between supervisors and subordinates are not permitted pursuant to AD-05. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. Refer to AD-05 (Anti-Nepotism/Romantic Relationships) for further information.

VI. RETALIATION

Retaliation against a person (and his or her associates) that reports or provides information about harassment or discrimination is strictly prohibited. Any act of reprisal violates this policy and will result in appropriate disciplinary action. Examples of actions that might be retaliation against a complainant, witness or other participant in the complaint process include: (1) singling a person out for harsher treatment; (2) lowering a performance evaluation; (3) failing to hire, failing to promote, withholding pay increases, assigning more onerous work,

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abolishing a position, demotion or discharge; or (4) real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination.

Well-intentioned attempts to insulate or protect a complainant by changing his or her work environment or schedule or duties by transferring the complainant to another office may be retaliatory. Before a supervisor takes such action, the supervisor should contact the Human Resources Director.

Any act of retaliation will be treated as a separate and distinct incident, regardless of the outcome of the harassment or discrimination complaint.

VII. REPORTING HARASSMENT, DISCRIMINATION OR RETALIATION

An applicant, employee, officer, official or contractor who feels he or she has been harassed, discriminated against or retaliated against in violation of this policy should report the conduct immediately as outlined below so that the complaint can be resolved quickly and fairly. Employees do not have to use their departmental chain of command to report harassment. They can report it to any supervisor or manager in the City.

All employees involved in the complaint process may be represented by a person of their choosing and at their own expense.

A. Object to the Conduct

Sometimes an individual is unaware that his/her conduct is offensive. The offensive behavior may be eliminated by simply informing the offender that the conduct or language in question is unwelcome and offensive and request that it be discontinued immediately.

A person who believes he/she is being harassed is encouraged to use the following process when the conduct in question continues after the offending person has been informed it is offensive, or if a person does not feel comfortable talking to the offending person directly. The employee should make a report in accordance with subsection 2 below or go directly to the formal reporting process.

B. Oral Report

If a person who believes that this policy has been violated does not want to confront the offending person, he/she should report the conduct to a supervisor, department head, the Human Resources Director or any City management employee. The individual may also seek advice, assistance or consultation of a supervisor, department head or City management

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employee. Any supervisory or management employee who receives such a report should complete the EEO Report Form (AD-43A) items 1 through 6 and forward the form to their Department Director who will review the complaint and direct it to the Human Resources Director. The Human Resources Director will determine what level of investigation and response is necessary.

C. Written Process

An individual who believes this policy has been violated may provide a written complaint to a supervisor, department head, or any management employee.

D. Options to Report to Outside Administrative Agencies

Applicants, employees, officers, officials and contractors have the option to report harassment, discrimination or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) San Diego Area Office at 555 West Beech Street, Suite 504, San Diego, CA 92101, 1-800-669-4000, or the California Department of Fair Employment and Housing (DFEH) at 1-200-884-1684 or www.dfeh.ca.gov. The closest DFEH office is now located at 1055 W. 7th Street, Suite 1400, Los Angeles, CA 90017.

VIII. CITY'S RESPONSE TO COMPLAINT OF HARASSMENT, DISCRIMINATION OR RETALIATION

A. Investigation

Upon receipt of the EEO Report Form or a direct complaint of alleged harassment, discrimination or retaliation, the Human Resources Director or her designee will be responsible for assigning a reference number to the complaint and confirming receipt of the complaint to the complainant, the supervisor who took the complaint and their department director by email. The Human Resources Director will be responsible for coordinating a thorough investigation (unless he/she is named in the complaint or it is determined that a third party investigation should be conducted). The Human Resources Director or her designee may coordinate the investigation with the complainant's department head and may hire an outside investigator if the City deems appropriate. The type of investigation undertaken, and the party chosen to conduct the investigation will depend on the nature of the complaint made and will be determined by the Human Resources Director or her designee. The Human Resources Director will

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report the status of the investigations to the City Attorney and City Manager.

The Human Resources, Director may take interim action to diffuse volatile circumstances, such as placing the alleged perpetrator on paid administrative leave or temporarily transferring the alleged perpetrator. Generally, no interim action should be taken to change the complaining individual's working conditions unless the complaining individual voluntarily consents to the temporary change.

The investigator will review the complaint allegations in an objective manner and to the extent that the City deems necessary. The investigation will normally include interviews with the reporting individual, the accused, and any other person who is believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain confidentiality of the interview and that retaliation against those who report alleged harassment or who participate in the investigation is prohibited.

The City takes a proactive approach to potential policy violations and will conduct an investigation if its officers, supervisors, or managers become aware that harassment, discrimination or retaliation may be occurring, regardless whether the recipient of the alleged action or a third party reports a potential violation.

B. Remedial and Disciplinary Action

If the investigation determines that the alleged conduct occurred and that the conduct violated this policy, the City will notify the complainant and perpetrator of the general conclusion(s) of the investigation and take effective remedial action that is designed to end the violation(s). Any employee or officer determined to have violated this policy may be subject to disciplinary action, up to and including termination. Disciplinary action may also be taken against any official, supervisor or manager who condones or ignores potential violations of this policy, or who otherwise fails to take appropriate action to enforce this policy. Any official or contractor found to have violated this policy will be subject to appropriate action.

C. Closure

At the conclusion of the investigation, the Human Resources Director will notify the complainant in general terms of the outcome of the investigation and close the complaint.

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D. Confidentiality

Every possible effort will be made to assure the confidentiality of complaints made under this policy. Complete confidentiality cannot occur, however, due to the need to fully investigate potential policy violations and take effective remedial action. 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 Human Resources Director. Any individual who discusses the content of an investigatory interview may be subject to discipline or other appropriate action. 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.

IX. RESPONSIBILITIES OF EMPLOYEES, MANAGEMENT AND SUPERVISORY EMPLOYEES

A. Employees

To establish and maintain a professional working environment, while at the same time preventing harassment, discrimination and retaliation, employees are expected to:

- Set an example of acceptable conduct by not participating in or provoking behavior that violates this policy. Try not to be angry or insulted if an individual tells you that your behavior is offensive. People have different ethical values and standards and may be offended by behavior you think is proper. Tell the individual you did not realize your behavior was offensive, and immediately cease the conduct.
- Let fellow employees know when you consider behavior offensive. The City hires people from a wide variety of cultural and ethnic backgrounds, and an individual may not realize behavior he or she thinks is proper could be seen by others as offensive.
- Report harassment, discrimination or retaliation as quickly as possible, whether the employee is the target of the conduct or a witness.
- If an employee observes harassment, he or she should tell the individual being harassed that the City has a policy prohibiting such behavior, and that he or she can demand that the harasser cease the

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behavior. The witness should also report the harassment to a supervisor.

- Maintain confidentiality as required by this policy.
- Fully cooperate with the City's investigation of complaints made under this policy.

B. Managers and Supervisors

In addition to the responsibilities listed above, managers and supervisors are responsible for the following:

- Implementing this policy by taking all complaints seriously and modeling behavior that is consistent with this policy. Direct all complaints to the Human Resources Director using the EEO Report Form AD-43A.
- Taking positive steps to eliminate any form of harassment, discrimination or retaliation observed or brought to his/her attention.
- Making sure no Department Director, supervisor or other employee retaliates through any action of intimidation, restraint, coercion or discrimination.
- Monitoring the work environment and taking appropriate action to stop potential policy violations.
- Following up with those who have complained to ensure the behavior complained of has ceased.
- Informing complainants of their option to contact the EEOC or DFEH regarding potential policy violations.

X. MANDATORY TRAINING

As part of its commitment to ensuring a work environment free from harassment and discrimination, the City requires that all employees, volunteers and contractors receive training on this policy at least once every two years. New and returning City employees are required to attend Sexual Harassment Prevention Training within six months of hire. The Human Resources Department will schedule multiple training sessions annually to ensure that employees are able to schedule the mandatory training. Attendance at the training is mandatory and documentation of attendance will be included in each employee's personnel file.

**CITY OF OCEANSIDE
ADMINISTRATIVE DIRECTIVE**

**SUBJECT: Harassment, Discrimination, Retaliation
Prevention**

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Previously issued as 02-07, issued 4/13/07, rev. 12/28/11

ISSUE DATE:
1/10/2014

XI. RESPONSIBILITY FOR REVIEW

The Human Resources Director shall review this directive annually or as necessary.

Attachments:

Equal Employment Opportunity (EEO) Report Form AD-43A
Equal Employment Opportunity (EEO) Report Form Instructions
Equal Employment Opportunity (EEO) Report Form Receipt

Approved: 1-8-14
Date



City Manager

**CITY OF OCEANSIDE
ADMINISTRATIVE DIRECTIVE**

SUBJECT: Social Media Use Policy

NUMBER

AD-58

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ISSUE DATE:

5/29/13

Previously issued 1/1/2013

I. PURPOSE

To address the fast-changing landscape of the Internet and the way employees and residents communicate and obtain information online, City of Oceanside departments may consider using social media tools to reach a broader audience where appropriate and with pre-approval, to further the goals of the City. The City has an overriding interest and expectation in deciding what is "spoken" on behalf of the City on social media sites. The City's use and management of all social media services must be done in a manner that is legal, consistent with all City rules and regulations, and of tangible benefit to the City.

This policy applies to any social media tool used by employees to conduct City business; the absence or lack of explicit reference to a specific site does not limit the extent of the application of this policy. Social networking sites may include, but are not limited to: MySpace, Facebook, Twitter, Google+, Foursquare and YouTube. Sites will be reviewed on an annual basis and new sites will be added if they become relevant. Employees must consult with their Department Head and the City Manager's Office for direction and approvals regarding usage of any social networking tool. The types of tools utilized are at the discretion of the Information Technologies Division Manager and the City Manager's Office.

II. POLICY

- A. Prior to engaging in any form of social networking, employees must receive written permission from the appropriate Department Head and the Information Technologies Division Manager. Customer Care will be responsible for maintaining the content and upkeep of all social media sites a department may request.
- B. All City of Oceanside authors shall be clearly identified by position, title, and name.
- C. Departments will have social media site content view-only access.
- D. Information Technologies will create the approved department site including the initial site content.
- E. City of Oceanside authors will submit to Customer Care new site content information, or content changes approved by their Department Head and the City Manager's Office.
- F. Customer Care will make all site content changes and/or add additional site subject matter, based on the required Department Head and Information

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Technologies Division Manager's approval. During normal business hours, Customer Care will post in no more than four (4) hours after receipt of update.

- G. Personal use of social media sites is strictly prohibited while on City time and utilizing City-owned equipment.
- H. The most appropriate uses of social media tools generally fall into two categories:
 - 1. As channels for disseminating one-way, time-sensitive information as quickly as possible (e.g., emergency information).
 - 2. As a marketing/promotional one-way channel which increases the City's ability to broadcast its messages to the widest possible audience (e.g., Library, Parks & Recreation and Special Events).
- I. Wherever possible, content posted to City of Oceanside social media sites should contain links directing users back to the City's official Web site for in-depth information, forms, documents or online services necessary to conduct official City business.
- J. All City of Oceanside social media sites shall be used in compliance with applicable state and federal laws as well as the following City Administrative Directives such as:
 - 1. Web Content and Usage Guidelines (Administrative Directive 53)
 - 2. Conflict of Interest (Administrative Directive 11)
 - 3. Computer Use Policy (Administrative Directive 56)
 - 4. Harassment, Discrimination, Retaliation Prevention (Administrative Directive 43)
 - 5. Public Records Retention Policy (Records Administrators Procedures Manual – Oceanside Ordinance 04-OR870-1 and Resolution 08-R0659-1)
- K. City of Oceanside social media sites are subject to State of California Public Records laws. Any content maintained in a social media format, including a list of subscribers and posted communication may be considered a public record. The Department is responsible for responding, through appropriate channels, completely and accurately to any public records request for

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records on social media. All content shall be maintained in an accessible format so that it can be produced in response to a request. Such sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.

- L. Users and visitors to social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for one way communication by City Departments to the public. City of Oceanside social media site articles and comments containing any of the following forms of content are prohibited:
1. Comments not topically related to the particular social medium article being commented upon;
 2. Comments in support of or opposition to political campaigns or ballot measures;
 3. Profane language or content;
 4. Content that promotes, fosters, or perpetuates discrimination in violation of Federal and State law and AD-43;
 5. Sexual content or links to sexual content;
 6. Solicitations of commerce;
 7. Conduct or encouragement of illegal activity;
 8. Information that may tend to compromise the safety or security of City employees, volunteers, the public, or public systems;
 9. Content that violates a legal ownership interest of any other party;
 10. Information related to pending business decisions that would compromise negotiations; or
 11. Personal views of any employee of the City. All postings shall reflect only the views of the City.
- M. The City reserves the right to restrict or remove any content that is deemed in violation of this Social Media Use Policy or any applicable law.
- N. Administration of City of Oceanside social media sites will be the responsibility of Information Technologies facilitated through Customer Care.

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1. The Information Technologies Division Manager will maintain a list of social media tools which are approved for use by City Departments and staff; this list will be updated as needed.
 2. All communication by the City will be "one-way" and will not encourage two-way dialogue.
 3. The Information Technologies Division Manager will maintain a list of all current City of Oceanside social media sites, including login and password information. Information Technologies will inform the City Manager's Office of any new social media sites or administrative changes to existing sites.
 4. Information Technologies will notify the Human Relations Director and the City Manager's Office of any violations of this policy which could result in discipline.
 5. The City must be able to immediately edit or remove content from social media sites.
 6. The City of Oceanside reserves the right to not publish any posting or to later remove it.
 7. Information Technologies will provide the site request/change form.
- O. For each social media tool approved for use by the City the following documentation will be developed and adopted:
1. Standards and processes for managing Twitter accounts (see Attachment 1).
 2. Standards and processes for managing FaceBook accounts (see Attachment 2).
 3. Standards and processes for managing Google+ accounts (see Attachment 3).
- As tools are developed, new standards will be developed and added as an attachment to this Administrative Directive.
- P. The City has the right to monitor employees' social media use on City equipment and will exercise its right as necessary. Users do not and should not have any expectation of privacy. Social media activities are not to

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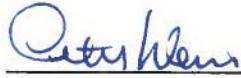
interfere with the employee's primary job responsibility. Violation of this policy may result in discipline up to and including termination.

- Q. Employees approved to utilize social media site(s) must sign the "User Agreement for Social Media Sites Usage" and a copy will be maintained by the Human Resources Department (Page 6 of 6).
- R. Police Captains and/or Lieutenants are authorized to post information directly to City authorized social media sites for public safety purposes. Police personnel must coordinate the initial establishment of any social media sites with the Information Services Division Manager.

III. RESPONSIBILITY FOR REVIEW

The Information Technologies Division Manager shall review this directive annually or as necessary.

Approved: 5-29-13
Date



City Manager

**CITY OF OCEANSIDE
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SUBJECT: Computer Use

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Previously issued as AD-41 (Electronic Mail 10/28/09) and AD-45 (Internet Services Access and Usage 1/20/10)

ISSUE DATE:
12/02/2012

I. POLICY STATEMENT

The objectives of this policy are to provide clear direction regarding the use of the City's computer, email and Internet systems. The objectives include:

- Provide a structure for the planning, development and maintenance of the City's computer system.
- Establish policy and procedures relevant to the use and maintenance of the City's computers, related network system, software, and intellectual property.
- Maximize and ensure the efficient and effective use of the City's computer resources.
- Maintain the integrity and security of computer-based information through proper computer network administration practices and consistent records management practices.
- Meet applicable federal and state laws and regulations regarding public access to information.
- Protect the City from liability.

All electronic systems, hardware, software, temporary or permanent files, electronic mail and electronic documents, and any related systems or devices are the property of City of Oceanside.

II. DEFINITIONS

- A. Authorized User: Any person employed by or volunteering services to the City of Oceanside or specifically authorized by a Director or the City Manager.
- B. Computer Network System: Any personal computer, tablet, smartphone, server, networking hardware, application software, printer, modem, data, mass storage, and associated devices owned, rented, leased, electronically connected to or used by the City that is intended for use by authorized users.
- C. Application Software: Compiled and uncompiled computer useable instructions intended to process data and/or perform specific computing tasks.
- D. Data: All electronic information retrieved from or entered into, the computer network system by authorized users, or approved outside

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sources. Data shall include, but not be limited to, typed, scanned, downloaded, printed, and verbally inputted usable information that is not considered application software.

III. POLICY

- Authorized users shall utilize City computer network systems solely for the purposes of transferring data and conducting City business.
- Authorized users shall maintain the integrity and security of computer based information through proper computer network administration practices and consistent records management practices.
- The City is committed to meeting federal and state laws and regulations regarding public access to information, while protecting the City from liability.
- Except for pre-authorized external data exchange, only authorized users may use the computer network system.
- Authorized users shall comply with the Computer Network System Security Procedures contained herein.
- All electronic systems, hardware, software, temporary or permanent files, electronic mail, and electronic documents contained in the computer network system are owned by, and are the intellectual property of the City.

IV. PROCEDURES

- A. Log-on IDs, Passwords, and Access Privileges: Authorized users will be assigned a unique computer network system log-on ID and password.
- B. Authorized users will access the computer network system only under their own unique log-on ID and password. Passwords should never be disclosed or provided to other employees, contractors or vendors. Maintaining the secrecy of passwords is the sole responsibility of each authorized user.
- C. Authorized users shall change their access passwords every ninety days. Passwords are considered "confidential", and should not be disclosed to other users.
- D. When an authorized user is terminated from employment or access authorization, the Information Technologies Division under direction of the Information Technologies Division Manager will deactivate the log-on ID and delete the user from the system. The Information Technologies Division will archive all data files, including email of the terminated user and transfer any

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appropriate files to other authorized users and/or groups as required. After 90 days all data will be removed unless alternative instructions from a Department Director are provided.

- E. The Information Technologies Division, under direction of Information Technologies Division Manager, will determine resource access privileges in order to reduce or increase access privileges as changes in Authorized User's position and responsibilities occur. Users shall not access the computer network system files and/or resources under another user's ID and password.
- F. Authorized users shall report to the Information Technologies Division Manager all suspected intrusions of the City's computer network system. The user is solely responsible for all actions taken while using his or her user ID.

V. PRIVACY

Authorized users of the City's computer and/or electronic systems have no expectation of privacy. System support personnel have the right to access all files, documents, and records which are appropriate to accomplish their tasks. Supervisors and managers with Department Director authorization, and Department Directors have the right to access all files, documents, and records created by their department staff.

All documents, email, voicemail and other data created or stored on any City computer could be considered public information and may be disclosed upon request.

VI. DATA CUSTODIANSHIP

Every application software package and data set has an assigned data custodian. The data custodian is responsible for any necessary access control to and the security and integrity of data in his/her care. In this regard, the data custodian may also administer routine or recurring computer processes. These computer processes may access/modify the data and create/execute (or schedule for execution) appropriate backup and recovery procedures to provide data protection consistent with the individual program requirements.

VII. ALLOWABLE DATA

- A. Only City approved, licensed application software will be installed on any computer network system device.

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- B. All software must be purchased from reputable, vendor-authorized resellers who can provide maintenance, warranty coverage, or technical support services, and certified licensed software.
- C. All application software installations will be completed under the direction and approval of the Information Technologies Division Manager.
- D. The City and its employees shall abide by the terms of all license agreements. Employees shall not duplicate, modify, or manipulate software licensed by the City. Software held by the City under a license agreement may not be supplied to an outside consultant unless the license agreement permits such use.
- E. The use of commercial software not licensed by the City, but licensed to a user, may not be used on a City-owned personal computer, including, but not limited to screensaver software.
- F. Contractors may be allowed to connect their business laptops or USB devices to the City's computer network system at the sole discretion of the Information Technologies Division Manager.
- G. Virus scans shall and must be performed on all application software and data coming from any source external to the computer network system. The scanning must take place before the new software is executed. Users may not bypass the scanning processes that could arrest the transmission of computer viruses.
- H. Virus scan application software updates shall be applied by Information Technologies to all computer network system devices on a monthly basis, and more often if determined by the Information Technologies Division Manager.
- I. Uploading/downloading and/or installation of "shareware" or any other application software/ programs/files/ data and/or documents to a City-owned computer network system device without prior approval of the Information Technologies Division Manager is prohibited.
- J. Manipulation of data files for the purpose of personal gain is strictly forbidden and may result in disciplinary action up to and including termination and legal prosecution. This includes the exploitation of images or videos taken during the course of employment. Photographs or videos taken while an employee is on duty or acting within the scope of employment may not be posted to any Internet site, or used for any other purposes other than City business.

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- K. All application software should not be released for computer network system use until and unless it has first been subjected to a rigorous testing regimen approved by the Information Technologies Division Manager.
- L. All computer network system hardware purchases and installation must be coordinated through the Information Technologies Division under the direction and approval of the Information Technologies Division Manager, to assure that the hardware meets standards that are compatible and supported by the current network infrastructure. The Information Technologies Division Manager must sign off on all staff reports that request City Council approval that impacts the City's network system, including all software and hardware.
- M. Use of personal devices including USB devices, such as flash drives, PDAs, music devices, etc. may not be used on a City-owned personal computer, or attached to any City-owned network device without prior approval and authorization by the Information Technologies Division Manager. PDAs or Smart Phones are supported by the City if they are on the list of approved devices that are designed to integrate with the City's desktop computers and email system. Employees are not allowed to connect a personal PDA or Smart Phone to the City email system without written approval from their Department Director and the Information Technologies Division Manager.

VIII. INTERNET ACCESS

- A. Internet access is provided to employees upon Directors' approval, for the sole purpose of facilitating job performance and communications as it relates to City business activities. Three general policies apply to the use of the Internet:
 - 1. Internet access must be limited to City business activities. Brief and occasional use of the Internet for personal use is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or breaks), does not result in an expense or liability to the City, and otherwise complies with this policy.
 - 2. Inappropriate use of the Internet includes: using on-line chat rooms, non-work related web blogs, personal instant messaging, online radio, online gambling, music, games, and/or subscribing to non-work-related services such as Groupon. Streaming audio or video that is not related to City business is strictly prohibited as it may cause congestion and network disruption.

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3. Downloading programs of any type for personal use, or music for personal devices e.g., iPhone, iPod, tablet, or MP3 players is prohibited.
- B. The City reserves the right to filter, log, and/or monitor Internet usage by employees.
- C. Software may not be downloaded and installed without prior authorization of the Information Technologies Division Manager.
- D. The City provides Internet resources to support and promote official City business through research, education, innovation, development, discourse, and debate. Use of the Internet is a privilege, not a right; it may be rescinded at any time.
- E. Internet connections may be monitored for compliance with the above policies; there is no expectation of privacy for City-provided Internet resources. Employees are expected to exercise good judgment when determining subject matter that qualifies as official business. Information that is considered offensive, as described in the City's Harassment, Discrimination, Retaliation Prevention Administrative Directive (AD-43), is expressly prohibited.
- F. Use of Internet resources (including, but not limited to, mobile data computers, electronic mail, World Wide Web, news groups, gopher, FTP, telnet, and other Internet resources) must be job-related. Use of Internet resources is encouraged to broaden one's job-related awareness and skills. Authorized users shall not use City-provided Internet resources to conduct any private business activities or for unauthorized purposes.
- G. Prohibited Content: Restricted or confidential information must not reside on either Internet or Intranet servers.
- H. Approvals for Postings: Before any information is posted to the computer network system, including Intranet and Internet posting, approval from three sources must be made:
 1. First, the owner of the involved information (or creator of the information if the owner has not yet been designated) must approve.
 2. Second, the Department Director, or his/her designee, must approve.
 3. Third, the Information Technologies Division Manager or his/her designee must approve.

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- I. Designated Owner: All information posted to the network must have a designated "owner" (responsible person or contact). Contact information for this owner must be clearly indicated on the page where the information appears.
- J. Legal Ownership of Material: Unless approved in advance by the Information Technologies Division Manager, and explicitly noted on the Intranet/Internet page, all content posted to the Department's Intranet/Internet is the property of the City.
- K. Third Party Access: All third party access to City computer systems that is not clearly public (such as the Intranet), must be approved in advance by the Information Technologies Division.
- L. Restricted Dissemination: The City's computer network system is for the exclusive use of authorized users. Unlike the Internet, information reproduced on the Intranet may be disseminated only to authorized persons. Individuals shall not forward information appearing on the Intranet to third parties.

IX. REMOTE ACCESS

- A. Remote access to the computer network system is permitted by preapproval by the City Manager's Office only. Only City-supported remote access application software products are acceptable and will be distributed to authorized users as needed. All access must be facilitated through a City-approved remote access system only.
- B. Software resident on a City computer network system device, or application software contained on diskettes/thumb drives, etc., provided by the City are prohibited from unauthorized duplication. All users authorized to use this remote access service on their privately owned computers will exercise due diligence in ensuring that their privately owned systems (hardware and software) are free from viral infection, and that no unauthorized persons use the remote access connection.
- C. All data intended to be transferred from an authorized user's privately owned computer system to any City owned computer network system device will first be scanned on the user's system with the most current anti-virus scanning program, and most recent virus signature update approved by the City's Information Technologies Division Manager. If the authorized user does not possess the required anti-virus products he/she must not transfer any data via remote access, but may copy the data to disk for appropriate anti-virus

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scanning on a local City computer network system device before introduction into the system. All employees authorized to use this system are reminded that it must be used for authorized City work only, and any non-City use constitutes a misuse of City resources/software.

X. ELECTRONIC MAIL (E-MAIL)/TEXT MESSAGING

- A. The City's Computer Network System is intended to expedite/improve intradepartmental communications.
- B. The City reserves the right to access and review all software programs, documents, electronic mail, notes, journal entries, or any electronic file created or stored on and/or sent over the City's computer network system, including files, or messages transmitted via Internet email and Internet access.
- C. Email transmissions are not confidential; therefore, employees do not have any expectation of privacy in anything that is sent over the email network. The City retains the right to review any messages sent on its network.
- D. The City, at its discretion, may monitor and/or log all network activity with or without notice and for any reason, including Internet email and all Website communications, and therefore, users should have no expectation of privacy in the use of these resources.
- E. Harassing, threatening, obscene, or offensive email is prohibited to the same extent that verbal/written forms of such harassment is prohibited (as set forth in the Harassment, Discrimination, Retaliation, and Prevention Administrative Directive (AD-43).
- F. Users are solely responsible for the management of their mailboxes. Users shall keep both their 'In' box and the 'Sent Mail' box free from aged email. The automated mailbox management policy is as follows:
 - 1. All items Sent Items and Deleted Items in the user's mailbox will be automatically deleted after 90 days.
 - 2. A warning will be sent to the user when the storage size of their mailbox reaches 300MB.
 - 3. If the mailbox continues to grow to 400MB, the user will not be able to send email.
 - 4. If the mailbox continues to grow to 500MB, the user will not be able to send or receive email.

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- G. Email messages shall not be kept, either electronically or in hard copy, unless retention is required by law, or where the user had determined retention would serve a useful purpose for the City. Documents do not become public record under the Public Records Act when they are intended for a temporary purpose, and when the purpose is achieved, are discarded; for example, "preliminary drafts, notes or interagency or intra-agency memoranda which are not retained by the public agency in the ordinary course of business". However, all electronic data whether created in-house or downloaded from other sources through the network or Internet, including email, may be considered a public record and may be produced as a result of a Public Records Act request or will be produced as a result of a subpoena from a court of law.
- H. All computer users must review their Inbox at least weekly and any email that is needed for City business should be printed on hard-copy, and filed appropriately or saved to the network. Where feasible, sensitive and/or confidential subjects should be discussed one-on-one, and it is not appropriate to email transmittals.
- I. Email should not be used for broadcast purposes. Individuals wishing to send global emails need to send their requests to Customer Care for approval.
- J. Only the City Manager, City Attorney, Department Director, Information Technologies Division Manager, or the Director of Human Resources may authorize access to the vaulted email.
- K. Acceptable uses of email and text messaging include, but are not limited to:
1. Communication and information exchanges directly relating to the City's mission and goals, and the performance of the employee's job functions.
 2. Announcements of City policies, rules and regulations, meetings, hearings, services, or activities.
 3. Research, analysis, and professional organization activities related to the user's duties.
- L. Prohibited uses of email and text messaging include, but are not limited to:
1. Illegal activities, threats, harassments, slander, defamation, obscene or suggestive messages, political endorsement, commercial activities.

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2. Using non-business software including games or entertainment software.
3. Using personal or unapproved hardware, related computer equipment, and software.
4. Listening to voicemail or reading electronic mail/text messages of another employee without prior approval from the employee. Note that Information Technologies Division Manager staff and Department Directors have the right to access employee email at any time and for any reason; employee approval is not required.
5. Using your City email account to sign up for commercial or personal notice email notifications and information sources which are not directly related to job functions (e.g., Groupon, Facetime, dating sites, jokes, etc.)
6. Using copy machines to scan documents to the email system for personal use or in order to forward the scanned document to personal email addresses.

XI. VIRUSES

In the event a "virus" notification is received on a computer network system device, the user must immediately inform the Information Technologies Division. Information Technologies staff are to promptly inform the Information Technologies Division Manager and Deputy City Manager.

XII. BACKUP

To protect the City's information resources from loss or damage, the system administrator will be responsible for making periodic backups, as determined by the Information Technologies Division Manager.

XIII. INTELLECTUAL PROPERTY

- A. If material to be posted originates outside of the City, written permission from the source must first be obtained, and the source must be given adequate credit.
- B. If copyright infringement, confidential information disclosure, libel, defamation of character and/or other potential legal issues could be involved, the City Attorney must approve the posting.

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- C. Individuals must independently confirm the material's accuracy, timeliness, and relevance to City business.
- D. The network administrator according to an approved process must test all user-developed webpages for security and operational problems.

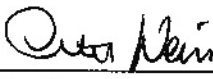
XIV. DISCIPLINE

City employees who violate this policy will be subject to appropriate discipline up to and including termination.

XV. RESPONSIBILITY FOR REVIEW

This directive will be reviewed annually or as necessary by the Information Technologies Division Manager.

Approved: 12-2-12
Date


City Manager

**CITY OF OCEANSIDE
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SUBJECT: Workplace Bullying Prevention

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I. PURPOSE

It is the City of Oceanside's goal and the purpose of this policy to provide all employees, volunteers and individuals who have a direct contract with the City with an environment that is free from any form of workplace bullying by and against City employees, volunteers and contractors. Any violation of this policy may result in disciplinary action, up to and including termination, the first time such behavior occurs. Nothing in this policy shall be construed as creating any liability against the City or its officers or employees or eliminating any defense or immunity from liability for the City or its officers or employees under the California Government Code or any other provision of law.

II. POLICY

The City of Oceanside has zero tolerance for any conduct that violates this policy. Conduct need not rise to the level of a violation of the law in order to violate this policy. It is the City's intent to prohibit offensive conduct before it rises to the level of violation of the law. Actions that rise to the level of a legal violation are addressed separately. For purposes of this policy, a single act can violate this policy and provide grounds for discipline or other appropriate action. If you are in doubt as to whether any particular conduct may violate this policy, do not engage in the conduct, and seek guidance from any supervisor or the Human Resources Director.

III. DEFINITIONS

Workplace bullying is behavior, whether verbal, physical, electronic or otherwise, intended to create an abusive work environment for an employee or employees. Bullying is behavior in the workplace that a reasonable person would find hostile, offensive, and not related to an employer's legitimate business interests.

Hazing, which is a form of bullying, is any conduct whereby an employee causes another to suffer, or be exposed to, any activity that a reasonable person would find cruel, abusive, humiliating, oppressive, demeaning, or harmful. Soliciting or coercing another person to commit any such activity is also considered hazing. Hazing need not involve physical contact; it can be verbal or psychological in nature. Actual or implied consent to acts of hazing does not eliminate the responsibility of the offender.

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IV. EXAMPLES

Bullying behavior can be obvious, aggressive, or subtle. Examples could include, but are not limited to:

- Abusive, insulting or offensive language;
- Behavior or language that frightens, humiliates, belittles or degrades, including criticism that is delivered with yelling and/or screaming;
- Teasing or regularly making someone the focus of practical jokes;
- Displaying material that is degrading or offending;
- Spreading gossip, rumors and/or innuendo of a malicious nature;
- Intimidating a person through inappropriate personal comments, belittling opinions or unjustified criticism;
- Posting or forwarding private information or pictures;
- Sending mean, threatening e-mails, instant messages or text messages;
- Setting up a website mocking the victim;
- Intruding on a person's space by pestering or tampering with their personal effects or work equipment.

V. GUIDELINES

The City of Oceanside will not tolerate bullying in the workplace, and will take corrective and/or disciplinary action, up to and including termination, against any employee that violates this policy.

Every City employee is expected to:

- Comply with the policy;
- Not participate in, encourage, instigate, or provoke bullying behavior;
- Immediately report any act of bullying that they witness, regardless of department, division, work group or location where the act occurs.

Incidents of bullying will not be tolerated under any circumstance and reported incidents will be documented and investigated at HR's discretion pursuant to City policy. The City will not tolerate retaliation against an employee who reports workplace bullying.

VI. PROCEDURE:

1. When an employee believes that he or she is the target of behavior that may satisfy the definition of workplace bullying (as defined herein), the employee must report any and all incidents immediately to their

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supervisor, division manager, department director, or the Human Resources Director. Employees who believe they are the target of bullying are not required to confront the alleged bully. Employees will need to provide details of the bullying when reporting the incident.

2. When an employee has witnessed, or was made aware of, behavior that may satisfy the definition of workplace bullying (as defined herein), the employee must report any and all incidents immediately to their supervisor, division manager, department director, or the Human Resources Director. Employees who witness workplace bullying are not required to confront the alleged bully. Employees will need to provide details of the bullying when reporting the incident.
3. When a supervisory-level employee is notified about possible workplace bullying behavior (as defined herein), the supervisor should promptly notify the Human Resources Director.
4. Employees always have the right to report potential bullying activity directly to the Human Resources Department. For example, if circumstances are such that reporting the alleged workplace bullying activity to a supervisory-level employee is not practical and/or possible; the employee shall report any and all incidents directly to the Human Resources Director.

VII. CITY'S RESPONSE TO REPORT OF WORKPLACE BULLYING

A. Investigation

Upon receipt of a direct complaint of alleged workplace bullying, the Human Resources Director or her designee will be responsible for assigning a reference number to the complaint and confirming receipt of the complaint to the complainant, the supervisor who took the complaint and their department director by email. The Human Resources Director, in his or her discretion, will be responsible for coordinating a thorough investigation (unless he/she is named in the complaint or it is determined that a third party investigation should be conducted). The Human Resources Director or her designee may coordinate the investigation with the complainant's department head and may hire an outside investigator if the City deems appropriate. The type of investigation undertaken, and the party chosen to conduct the investigation will depend on the nature of the complaint made and will be determined by the Human Resources Director or her designee.

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The Human Resources Director will report the status of the investigations to the City Attorney and City Manager.

The Human Resources Director may take interim action to diffuse volatile circumstances, such as placing the alleged perpetrator on paid administrative leave or temporarily transferring the alleged perpetrator. Generally, no interim action should be taken to change the complaining individual's working conditions unless the complaining individual voluntarily consents to the temporary change.

The investigator will review the complaint allegations in an objective manner and to the extent that the City deems necessary. The investigation will normally include interviews with the reporting individual, the accused, and any other person who is believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain confidentiality of the interview and that retaliation against those who report alleged harassment or who participate in the investigation is prohibited.

The City takes a proactive approach to potential policy violations and may conduct an investigation if its officers, supervisors, or managers become aware that workplace bullying may be occurring, regardless whether the recipient of the alleged action or a third party reports a potential violation.

B. Remedial and Disciplinary Action

If the investigation determines that the alleged conduct occurred and that the conduct violated this policy, the City will notify the complainant and perpetrator of the general conclusion(s) of the investigation and take effective remedial action that is designed to end the violation(s). Any employee or officer determined to have violated this policy may be subject to disciplinary action, up to and including termination. Disciplinary action may also be taken against any official, supervisor or manager who condones or ignores potential violations of this policy, or who otherwise fails to take appropriate action to enforce this policy. Any official or contractor found to have violated this policy will be subject to appropriate action.

C. Closure

At the conclusion of the investigation, the Human Resources Director will notify the complainant in general terms of the outcome of the investigation and close the complaint.

D. Confidentiality

Every possible effort will be made to assure the confidentiality of complaints made under this policy. Complete confidentiality cannot occur, however,

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due to the need to fully investigate potential policy violations and take effective remedial action. 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 Human Resources Director. Any individual who discusses the content of an investigatory interview may be subject to discipline or other appropriate action. 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.

VIII. RESPONSIBILITIES OF EMPLOYEES, MANAGEMENT AND SUPERVISORY EMPLOYEES

A. Employees

To establish and maintain a professional working environment, while at the same time preventing workplace bullying, employees are expected to:

- Set an example of acceptable conduct by not participating in or provoking behavior that violates this policy. Try not to be angry or insulted if an individual tells you that your behavior is offensive. People have different ethical values and standards and may be offended by behavior you think is proper. Tell the individual you did not realize your behavior was offensive, and immediately cease the conduct.
- Let fellow employees know when you consider behavior offensive. The City hires people from a wide variety of cultural and ethnic backgrounds, and an individual may not realize behavior he or she thinks is proper could be seen by others as offensive.
- Report workplace bullying as quickly as possible, whether the employee is the target of the conduct or a witness.
- If an employee observes workplace bullying, he or she should tell the individual being bullied that the City has a policy prohibiting such behavior. The witness should also report the workplace bullying to a supervisor.
- Maintain confidentiality as required by this policy.
- Fully cooperate with the City's investigation of complaints made under this policy.

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B. Managers and Supervisors

In addition to the responsibilities listed above, managers and supervisors are responsible, as appropriate, for the following:

- Implementing this policy by taking all complaints seriously and modeling behavior that is consistent with this policy. Direct all complaints to the Human Resources Director using the Workplace Bullying Report Form AD-67A.
- Taking positive steps to eliminate any form of workplace bullying observed or brought to his/her attention.
- Making sure no Department Director, supervisor or other employee retaliates through any action of intimidation, restraint, coercion or discrimination.
- Monitoring the work environment and taking appropriate action to stop potential policy violations.
- Following up with those who have complained to ensure the behavior complained of has ceased.
- Informing complainants of their option to contact the EEOC or DFEH regarding potential policy violations.

IX. RESPONSIBILITY FOR REVIEW

The Human Resources Director shall review this directive annually or as necessary.

Attachments:

- Workplace Bullying Report Form AD-67A
- Workplace Bullying Report Form Instructions
- Workplace Bullying Report Form Receipt

Approved: 5-15-14
Date


City Manager

Acknowledgment receipt of City of Oceanside Policies

This is to acknowledge that I have received a copy of specific City of Oceanside policies and understand that they contain important information about the City's policies and procedures. I understand obligations and responsibilities as a volunteer/intern.

I acknowledge that I am expected to read, understand and adhere to City policies and will familiarize myself with the provisions in the policies.

I understand that the provisions in the following policies govern me; and that the City may change, rescind, or add to the policy or procedures declared from time to time in its sole and absolute discretion with or without prior notice.

- Drug Free Workplace Policy
- Harassment, Discrimination, Retaliation Prevention Policy
- Social Media Use Policy
- Computer Use Policy
- Workplace Bullying Policy

I understand that any violation of the listed policies may result in termination of my service and potentially my ability to serve in the future.

Volunteer/Intern Signature

Date

Volunteer/Interns Name (Typed or Printed)

This document shall be signed by the Volunteer/Intern and placed in their file.