

TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON

Document Receipt

I, _____ (name & employee number), have received a copy of the following documents and policies:

- ◆ Prohibited Harassment & Discrimination
- ◆ TriMet Internal Complaint Form
- ◆ TriMet Complaint Procedure for Prohibited Harassment & Discrimination
- ◆ Supporting policies from the *TriMet Human Resources Manual*:

166 Employee Conduct

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170 Nepotism and Personal Relationships

171 Respectful Workplace Conduct

172 Retaliation Policy

173 Violence Prevention

Signature of Person Receiving Documents

Date

PROHIBITED HARASSMENT, DISCRIMINATION & RETALIATION

Harassment, discrimination or retaliation on the basis of race, color, religion, gender (including both sexual harassment and gender-based harassment that is non-sexual in nature), national origin, age, disability, sexual orientation or gender identity, which discriminates in the terms, conditions and privileges of employment and, as such, violates the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, or the Rehabilitation Act equivalent Oregon state laws; and/or TriMet ordinances or regulations is prohibited.

Defining Harassment, Discrimination & Retaliation

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, religion, gender, national origin, sexual orientation, age, or disability — or that of his relatives, friends, or associates — and that:

- ✧ has the purpose or effect of creating an intimidating, hostile, abusive, or offensive work environment
- ✧ has the purpose or effect of unreasonably interfering with an individual's work performance
- OR–
- ✧ otherwise adversely affects an individual's employment opportunities

Harassing conduct includes but is not limited to:

- ✧ epithets, slurs, insults, threats, intimidating or hostile acts, including those that purport to be “jokes” or “pranks” but that are hostile or demeaning
- ✧ written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls, bulletin boards, or elsewhere on the work premises, or is circulated in the workplace
- ✧ unwanted sexual advances, requests for sexual favors, and other sexually oriented verbal or physical conduct constitutes sexual harassment under this complaint procedure where:
 - ▷ submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
 - OR–
 - ▷ submission to or rejection of such conduct is used as a basis for employment decisions affecting that individual
 - OR–
 - ▷ such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive work environment

Discrimination is unfair treatment or denial of normal privileges to persons because of their membership in a legally protected class. Discrimination differentiates on the basis of prejudice. For example, withholding pay or promotion or not giving equal pay for equal contribution based on gender, race or any of the legally protected categories listed above constitute prohibited discrimination.



Retaliation is adverse conduct or behavior by an employer or coworkers against an employee because the employee filed a charge or made an internal complaint of discrimination or harassment; participated in an investigation of a discrimination or harassment complaint; opposed discrimination; reported a safety violation, misuse of public funds, or violation of law; or engaged in other similar protected activity.



**TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON
INTERNAL COMPLAINT FORM**

1. Your Name _____
Street address _____
City _____ State _____ ZIP _____
Home phone number _____ Work phone number _____
Department _____ Job title _____
Immediate supervisor _____

2. Check (✓) the box that indicates why you feel you have received unfair treatment:

- | | | |
|--|---|-----------------------------------|
| <input type="checkbox"/> race | <input type="checkbox"/> age | <input type="checkbox"/> gender |
| <input type="checkbox"/> color | <input type="checkbox"/> marital status | <input type="checkbox"/> religion |
| <input type="checkbox"/> sexual harassment | <input type="checkbox"/> sexual orientation | <input type="checkbox"/> other |
| <input type="checkbox"/> national origin | <input type="checkbox"/> disability | |

3. Name and position title of person (s) involved:

Name	Position Title
_____	_____
_____	_____
_____	_____

4. Briefly explain the harassment or discrimination that you believe occurred. Clearly explain who did what, when the action occurred, and why you believe the action occurred. Attach an extra sheet if needed.



5. List any witnesses _____

6. Date(s) the harassment or discrimination took place _____

7. What action(s), if any, have you taken to address or resolve this matter? _____

8. How would you like this matter resolved? _____

I understand that these incidents will be investigated, but the information on this form will be kept confidential to the extent possible.

I understand that all information that I give to the Director, Employee Services will remain the property of TriMet.

Signature _____ Date _____

Dates of investigation of complaint _____

Date of final report _____

Finding:



TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON

TriMet Complaint Procedure for Prohibited Harassment, Discrimination & Retaliation

Former employees, current employees, and applicants for employment may use internal or external procedures to file a discrimination, harassment or retaliation complaint. External complaints are those filed with an outside enforcement agency or the courts. Pursuing the internal process does not prevent or diminish a person's right to file a formal union grievance for conduct, which violates the labor agreement or a formal complaint with a state or federal agency.

Internal Complaint

An individual who feels that he/she has been the victim of prohibited harassment discrimination or retaliation is encouraged to notify the responsible person(s) of the conduct.

A current TriMet employee is also encouraged but not required to discuss such concerns with his/her immediate supervisor. This will provide the supervisor with an opportunity to review the person's concerns. In many instances, a supervisor can develop a swift, informal, and satisfactory resolution of the problem.

- ⇒ If the employee does not feel comfortable discussing concerns with his/her immediate supervisor, the employee may call TriMet's Director Employee Services (503-962-4879) or a designee.
- ⇒ An applicant for employment may call the Director Employee Services at (503-962-4879).

The Director, Employee Services will take the following steps:

1. Investigate and evaluate the complaint.
2. Determine whether there is reason to believe that prohibited discrimination, harassment or retaliation has occurred.

If an outside investigator is used, the respondent will be asked to sign a Fair Credit Reporting Act (FCRA) authorization and disclosure statement.

3. Try to resolve the complaint informally.
4. Document what action was taken and the resolution efforts.
5. Communicate the results to the complainant, to appropriate managers, and to the respondent.
6. Communicate to management if corrective action is considered appropriate. Management will determine the proper corrective or disciplinary action according to TriMet policy, disciplinary rules, or the collective bargaining agreement.

7. In determining the proper corrective action — consistent with applicable legal requirements, TriMet policies and rules, and collective bargaining agreements — the responsible manager will consider:
- ▶ severity of the conduct
 - ▶ nature of the action
 - ▶ position & authority of the respondent
 - ▶ number & frequency of the encounters
 - ▶ apparent intent of the respondent
 - ▶ relationship of the parties
 - ▶ provocation & response of the complainant
 - ▶ effect of the action on the complainant
 - ▶ effect of the action on the work environment

External Complaint

An external complaint of harassment, discrimination or retaliation is defined as “any complaint of harassment, discrimination or retaliation that is filed with a court or a state or federal enforcement agency”. The Legal Department handles and responds to external complaints.

An employee who receives a copy of notice of an external complaint of harassment, discrimination or retaliation should send it immediately to the Legal Department. Legal is responsible for issuing any written or oral statements about the complaint.

Responsibilities

During the complaint process — internal and external — all parties have responsibilities:

- ◆ Both the complainant and the respondent are expected to tell the truth to the best of their ability. Material omissions and misleading or false statements are prohibited and could give rise to disciplinary action.
- ◆ All employees who have knowledge of or information about the issues involved in complaints are expected to cooperate in an investigation.
- ◆ Retaliation is prohibited. No retaliation or adverse action in any form may be taken against an employee or applicant because he/she has filed a complaint or participated in providing information about a complaint or unlawful discrimination.
 - It is unacceptable conduct for a manager to demote, suspend, reduce, fail to hire or consider for hire, fail to give equal consideration in making employment decisions, fail to treat impartially in the context of recommendations for subsequent employment, adversely affect working conditions, or otherwise deny any employment benefit to an individual because that individual opposed a practice prohibited by these procedures or has filed a complaint, testified, assisted or participated in an investigation, proceeding, or hearing conducted to determine alleged violations to acts declared inappropriate by these procedures and/or other laws and regulations.

Counsel & Investigation

The Director, Employee Services is available to counsel complainants & to investigate complaints:

Lucy Shipley
Director, Employee Services
4012 SE 17th Avenue
Portland, OR 97202
Telephone: 503-962-4879
Fax: 503-962-7440
e-mail: shipleyl@trimet.org

Employee Conduct

Employees are required to observe high standards of conduct. Professional and respectful conduct includes customer service, work standards, courteousness, and ethical behavior. Decisions and practices must further the agency's business goals. They must be legal and ethical. They must protect safety and preserve the environment. Employee conduct on and off the job is expected to continuously comply with the requirements set forth in essential functions and selection criteria of the job description. Serious breaches of proper conduct jeopardize continued employment.

CUSTOMER SERVICE

TriMet's highest priority is providing excellent customer service to the public and to co-workers. This means everything that affects the customer's experience — from comfortable, safe facilities to friendly, courteous, and responsive employees.

WORK STANDARDS

Work decisions, practices, and standards must support customer service and other agency goals. Managers, by setting an example and providing clear instructions, are to establish and monitor measurable standards of work performance. Employees are responsible to meet individual and department goals, including the quality of performance and quantity of results.

Work standards include accountability. Non-union employees have an annual performance review, which ties performance results to salary increase (see *Performance Appraisal - Non-Union Employees* in this manual). Operator standards are stated in the *Bus Operators' Guide* and in the *Rail Operations Rule Book*. Maintenance staff has its standard operating procedures (SOPs), as do many other work units.

LEGAL, ETHICAL & RESPECTFUL CONDUCT

It is TriMet's policy to comply fully with all laws governing its operations and to conduct its affairs in keeping with legal and ethical standards. Ethical conduct — extending courtesy, respect, and fairness to others; observing confidentiality; being fiscally responsible; demonstrating integrity in work and relationships; and telling the truth — creates a healthy work environment. Fulfilling the intent of this policy depends upon the actions of each individual.

Sections within this manual explain specific laws, policies, and their application. Examples include *Affirmative Action*, *Americans with Disabilities Act*, *Conflict of Interest – Ethics Statement*, *Drug Free Workplace*, *Equal Employment Opportunity*, *Harassment*, *Respectful Workplace Conduct*, *Retaliation Policy*, and *Violence Prevention*. You are expected to comply with the requirements of these policies, both in your dealings with the public as well as in your dealings with coworkers.

TriMet's conflict of interest/ethics policy establishes consequences for employees who use their position for personal benefit or for gaining favors from the public. It includes a quarterly reporting requirement for any person who might participate in a contract decision. You are asked to exceed the legal standard by not giving even the *appearance* of impropriety.

In a similar context, your public role and your private role cannot overlap. If your job involves a visible public role on a public policy issue or project, you may not also advocate on that same issue or project at a personal, private level.

Any infraction of applicable laws, rules and policies pertaining to employee conduct, or ethical standards will subject an employee to disciplinary action. This may take the form of warning, reprimand, probation, suspension, and reduction in salary, demotion, or dismissal. In addition, the agency may discipline an employee for conduct that it considers contrary to its interests or to the interests of its customers or employees.

EMPLOYEE CONDUCT OUTSIDE OF WORK

TriMet requires ethical and legal conduct in our workplace. Egregious or illegal conduct that you engage in outside of work may also impact your employment with TriMet. Employees may be terminated from employment if convicted of criminal activities that are directly related to work responsibilities or have an adverse or negative impact on TriMet's business. Employee conduct on and off the job is expected to continuously comply with the requirements set forth in essential functions and selection criteria of the job description.

OUTSIDE EMPLOYMENT/DISCLOSURE

TriMet respects the privacy and individual rights of others and believes that employment or work outside of TriMet can be appropriate; however, outside employment or work may raise possible conflict of interest issues or otherwise adversely impact the workplace. Therefore, all employees must disclose any employment or work outside of TriMet for which an employee receives any compensation or financial benefit, to their divisional Executive Director. Employment or work for which an employee receives any compensation or financial benefit outside of TriMet may be allowed if the employee can continue to perform his or her normal work requirements at an acceptable level of performance within the scheduled workweek and the employee's role created by the outside employment or work does not confuse or conflict with the work related role of the employee at TriMet. Work assignments, performance standards, and schedules will not be changed for the employee to perform work not related to TriMet. Employees may not accept or engage in any activity, business, or employment, either during or after working hours that would conflict with HR 134 Conflict of Interest, or other TriMet business interests or reduce the ability of the employee to provide TriMet their full and undivided service.

SECURITY & SAFETY

Safety and security must be primary to all decisions and actions. This agency is entrusted to provide safe and secure transit to the public and safe working conditions for employees. Competent operators, quality maintenance, and informed decisions about construction, chemicals and products help to protect everyone.

Security

In protecting safety and security, you are asked to use your common sense and report any unusual or potentially dangerous situations to the Operations Command Center (OCC). This includes suspicious activities, any dangerous or threatening conduct, and any criminal acts that you may witness. The OCC may be contacted by using the Bus Dispatch System, radio, or telephone at 503-962-6000.

Weapon Possession & Physical Force

No one working for or with the agency, except Transit Police, may possess a weapon while on duty or on TriMet property or use force beyond the legal defense of self or others. Specifically, no employee may possess firearms while at work and may not keep firearms in their vehicles while parked on TriMet property. This prohibition applies even if the person has a valid gun permit.

Safety

According to the *System Safety Policy Statement*:

Safety is the major consideration in all TriMet operations including planning, design, construction, testing and maintenance of the rail/bus transit system.

The safety, transportation and maintenance offices issue safety requirements for specific situations, but some safety policies are required conduct for **all** employees. Some of the most critical are:

Actions Requiring Pre-Approval

The hazards inherent in constructing, maintaining, and operating a transit system and the costs of non-compliance have resulted in the following requirement. The Safety Office (SO) or Environmental Compliance (EC) must pre-approve:

- ▶ Design for capital projects (SO)
- ▶ Use of potentially hazardous materials or chemical products requires pre-approval in the design and specifications stage (SO)
- ▶ Disposal of potentially hazardous waste products or unknown chemical waste products (EC)

If you have designs in progress, projects underway, or products in stock, ask the Safety Office or Environmental Compliance for its recommendations, so we can reduce hazards and consider best solutions.

Use of Seatbelts

Seat belt use is a district safety requirement. Every employee who operates a revenue service bus, and every employee who operates or is a passenger in a service vehicle, district-owned automobile, or any other non-revenue vehicle must use a seatbelt. This requirement is unconditional, whether the vehicle is operated on district premises or on public right-of-way.

Revenue buses operated only on district property for servicing or repairs are exempt from the seatbelt requirement.

ENVIRONMENTAL COMPLIANCE

Environmental protection is fundamental to all of TriMet's decisions and actions. All employees, including those under contract, are to comply with agency guidelines and integrate them into work habits, judgments and actions.

The Green Team is drafting an agency environmental policy, which will be published in the *Human Resources Manual*. Your awareness, common sense, and active support will ensure a healthier environment and compliance with environmental statutes and laws.

Employee Complaints

If an employee needs a sounding board or a process for resolving difficulties in the work place, there are several avenues:

- You are encouraged to go to your supervisor or to anyone in a supervisory capacity who can listen, counsel, and, if needed, initiate action or referral.
 - If you prefer to talk with someone not aligned with your own manager or supervisor, you can seek counsel and/or resolution as follows:
 - ▶ The Employee Services Director offers a private and informal setting, where someone is available to respect, listen, help sort issues, give honest opinions and offer options. This person is skilled at identifying issues and facilitating solutions. If you wish, the Employee Services Director can give voice to your complaint, recommend solutions, and may pursue avenues for changing the situation. This office also offers access to mediation, facilitation, and/or specialized training. All employees may call the Employee Services office at 503-962-4879.
 - ▶ The Employee Services Director is also responsible for ensuring that all complaints which allege a violation of civil rights laws are promptly and thoroughly investigated with as much confidentiality as possible and that equal employment opportunities and practices affecting all conditions of employment are maintained throughout the district. Employees may call the Employee Services Director at 503-962-4879.
- * For more information, refer to these sections: *Americans with Disabilities Act*, *Equal Employment Opportunity*, *Leaves of Absence: Family Medical Leave*, and *Harassment*.

INVESTIGATION & RESOLUTION

Each problem is handled as expeditiously as possible. The standard process for internal complaints includes, but is not limited to:

- evaluating the complaint
- determining whether there is reason to believe that prohibited discrimination or harassment has occurred
- attempting informal resolution
- recommending appropriate corrective action when necessary
- documenting action and resolution efforts and communicating the results to the complainant when appropriate

Each situation and its facts differ depending on the severity and/or pervasiveness of the circumstances, which may result in an individual solution.

Nepotism and Personal Relationships

Purpose

The purpose of this policy is to comply with State ethics laws and to eliminate the appearance of favoritism that conflicts with TriMet business operations. See Conflict of Interest: Ethics Statement, HR Policy HR-134. Violations of this policy are subject to all penalties, sanctions, and disciplinary action permitted by law and by TriMet's policies, including suspension and dismissal, as determined appropriate.

A. Nepotism: Supervision/Employment Matters - Relatives and Members of Household

An employee may not directly supervise or have grievance adjustment authority over a relative or member of the employee's household. An employee may not appoint, employ or promote a relative or a member of the employee's household to, or discharge, fire or demote a relative or a member of the employee's household from, a position with TriMet. The foregoing situations present an actual conflict of interest for the employee. When a conflict arises, the employee must immediately provide written notice of the nature of the conflict to the employee's supervisor/manager and the General Counsel, and request that the supervisor/manager review and resolve the conflict.

The supervisor/manager, subject to approval by the General Counsel, will appoint an alternate to review and resolve the conflict or direct another appropriate resolution, and the employee shall refrain from engaging in any of the prohibited actions.

An employee may not participate in any interview, discussion or debate regarding a relative's or member of the employee household's appointment, employment or promotion to, or discharge, firing or demotion from, a position with TriMet. The term "participate" does not include serving as a reference, providing a recommendation or performing other ministerial acts that are part of the normal job functions of the employee.

The prohibitions in this policy do not apply to unpaid volunteer positions with TriMet.

For purposes of this policy:

"Relative" means the employee's: spouse or domestic partner, children or children of the employee's spouse or domestic partner, brothers, sisters, half brothers, half sisters, brothers-in-law, sisters-in-law, mothers-in-law, fathers-in-law, aunts, uncles, nieces, nephews, stepparents, stepchildren, parents or parents of spouse or domestic partner.

"Member of Household" means any person who resides with the employee.

B. Personal and Romantic Relationships : General

TriMet respects the privacy and individual rights of others and believes that one's personal life is one's own business. However, personal and romantic relationships can impact the workplace, and in some instances, can result in favoritism or abuse. Potential conflict or areas of sensitivity may arise out of personal and romantic relationships, especially in the context of supervision, evaluation, vacation and personal leave, or by simply working closely together within the same department or work area. Therefore, employees who are romantically involved, even if they are not "Relatives" or "Members of Household" for purposes of TriMet's Nepotism Policy, may not be in a direct supervisory relationship.

Further, we must all be mindful of how personal and romantic relationships between employees can negatively impact the work environment. Because the effects on other people at work are frequently not apparent to the persons involved in personal and romantic relationships, anyone with such an involvement should be attentive to the feelings of colleagues and to the potential conflicts that may be involved.

Relationships can change and sour, and in some instances, may give rise to feelings of intimidation or discomfort. Although it is not possible to regulate human emotion or create a detailed policy concerning a complete bar against romantic relationships, an employee will be held responsible for the perceived or actual creation of an uncomfortable work environment for the other employees.

While general responsibility for assuring adherence to TriMet policy must rest with the individual department head, each employee has a particular responsibility to avoid the potential conflict caused by romantic relationships within their respective department.

Employees may seek advice on these personal questions on a confidential basis from their department heads or the Human Resources Department.

Respectful Workplace Conduct

Purpose

The purpose of this policy is to educate employees about the variety of forms, both obvious and subtle, in which harassment, discrimination, intimidation and inappropriate workplace conduct occur. We are committed to offering employees training to identify harassment and discrimination, and provide employees with confidential procedures under which they can report harassment and discrimination. This policy also is intended to make clear to employees that harassment, discrimination, intimidation and inappropriate workplace conduct will not be tolerated at TriMet and if substantiated will subject an employee to disciplinary action, up to and including termination of employment. Conduct that is not unlawful or prohibited by some legal principle but that is still hostile, disrespectful, or harmful to the work environment or working relationships will also not be tolerated. Employees may be terminated from employment if convicted of criminal activities that are directly related to work responsibilities or have an adverse or negative impact on TriMet's business or employees in the workplace.

Scope

This policy applies to all TriMet employees. This policy is administered by and subject to the oversight of Human Resources ("HR"). Violations of this policy may result in disciplinary action.

Policy

It is TriMet's policy that all employees be able to work in a productive, respectful atmosphere, free from harassment by co-workers, supervisors, managers, independent contractors, or other individuals. Harassment on the basis of gender, pregnancy, race, national origin, ethnicity, sexual orientation, religion, age, disability, gender identity, military/veteran status, political affiliation, or any other group protected by law is strictly prohibited under this policy. Retaliation on the basis of a complaint or report of harassment is also strictly prohibited and will not be tolerated.

Employee conduct on and off the job is expected to continuously comply with the requirements set forth in essential functions and selection criteria of the job description.

Guidelines

1. What should I expect from a respectful workplace?

TriMet demands a work ethic based upon integrity, fairness, and personal respect for each employee. Negative slurs, stereotyping, profiling, use of offensive written or graphic materials, or threatening, intimidating, or hostile acts on the basis of protected characteristics will not be tolerated. Employees should treat each other respectfully, work professionally with one another, and act professionally in their dealings with subordinates, peers, and supervisors.

2. Do all employees have the same responsibility to avoid and prevent discrimination, harassment, retaliation and intimidation, and to ensure a respectful workplace?

Yes. This policy applies equally to all persons working for TriMet as employees or contractors.

3. What behaviors are prohibited in a respectful workplace?

The following behaviors are strictly prohibited:

BIAS HARASSMENT Demeaning, insulting, offensive, threatening, or intimidating actions or words directed at a person on the basis of the person's gender, race, national origin, ethnicity, sexual orientation, religion, age, disability, gender identity, military/veteran status, political affiliation, or any other group protected by law.

SEXUAL HARASSMENT Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed toward an individual because of gender. Sexual harassment includes conduct that is not sexual in nature but is gender-related. Sexual harassment also includes the harassment of the same or of the opposite sex. No person will subject an employee to unwelcome sexual advances or intimidating or harassing behavior, or condition an individual's employment or continued employment on submitting to such advances or behavior. Specifically,

- **RETALIATION:** Retaliation against an employee for refusal to submit to sexual advances. Such refusal will not be used as a basis for any decision adversely affecting an employee's employment with TriMet, including performance evaluations, wages, advancement, assigned duties, shifts, career development, or any term or condition of employment, including any action which, within the context of the employee's work situation, is adverse to a term or condition of the employee's employment. In addition, no such effect may be threatened or implied.
- **FAVORITISM:** No person will confer, or promise or imply to confer, employment opportunities or benefits upon an employee in return for submitting to sexual advances or as a response to intimidating or harassing behavior of another employee.
- **INTIMIDATION:** No person directly, indirectly, or through other persons coerce, bully, intimidate, threaten or abuse an employee, or otherwise engage in behavior that creates an intimidating, hostile, or offensive working environment.

DISRESPECTFUL CONDUCT Physical or verbal conduct or behavior that is coercive, bullying, intimidating, threatening, abusive, or is intended to or does in fact materially and negatively affect an employee's working conditions.

4. What are some examples of prohibited bias harassment?

Derogatory comments, including written or graphic material (regardless of the format, i.e. electronic, written, verbal, etc.), epithets, slurs or jokes aimed at, or use of objects having a derogatory or discriminatory association with, a person's race, gender, national origin, ethnicity, sexual orientation, religion, age, disability, gender identity, military/veteran status, political affiliation, or any other legally protected characteristic.

5. What are some examples of prohibited sexual harassment?

The following is a partial list of prohibited sexual harassment examples:

Unwanted sexual advances; offering employment benefits in exchange for sexual favors; making or threatening reprisals after a negative response to sexual advances; visual conduct that includes leering, making sexual gestures or displaying of sexually suggestive objectives or pictures, cartoons or posters; verbal conduct that includes making or using derogatory comments, epithets, slurs or jokes; verbal sexual advances or propositions; verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes of invitations; physical conduct that includes touching, assaulting or impeding or blocking movements.

6. How would you describe a "hostile work environment"?

For purposes of unlawful discrimination under state and federal law, a "hostile work environment" is a work atmosphere in which there is offensive conduct based on gender, pregnancy, race, national origin, ethnicity, sexual orientation, religion, age, disability, gender identity, military/veteran status, political affiliation, or any other group protected by law. It is any unwelcome verbal or physical conduct that is sufficiently severe or pervasive to have the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive working environment.

7. Can conduct that is not prohibited under state or federal law still violate the Respectful Workplace Conduct Policy?

Yes. Even if not unlawful, workplace conduct that is coercive, bullying, intimidating, threatening, abusive, or is intended to or does in fact materially and negatively affect an employee's working conditions is prohibited by this policy.

8. What should an employee do if he or she believes that he or she has been a victim of workplace harassment or disrespectful conduct?

If an employee experiences or witnesses unlawful harassment in the workplace, it should be reported to the employee's supervisor immediately. If the supervisor is unavailable or the employee is uncomfortable contacting the supervisor, the employee should contact the Director of Employee Services, Human Resource Manager or Senior Human Resource Representatives in the HR department or any other Executive Director.

9. If an employee witnesses or learns of possible harassment or disrespectful conduct, what is the employee's duty to respond?

All employees have a duty to prevent unlawful harassment in the workplace. If an employee witnesses or learns of possible harassment, the employee also has a duty to report the harassment to his or her supervisor, the employee should contact the Director of Employee Services, Human Resource Manager or Senior Human Resource Representatives in the HR department or any other Executive Director. Under this policy, employees are also expected to prevent and report disrespectful conduct.

10. What is the procedure for reporting harassment and disrespectful conduct?

Any employee who believes that he or she has been the subject of discrimination, harassment or retaliation, or other conduct prohibited by this policy, should report the alleged charge immediately in accordance with the following procedure:

(a) Any employee who has a concern, grievance or complaint about conduct prohibited by this policy should report it directly to his or her immediate supervisor, unless the supervisor is involved or the employee feels uncomfortable making the report to his or her supervisor, in which case the employee is to report his or her concerns to the Director of Employee Services, Human Resource Manager or Senior Human Resource Representatives in the HR department or any other Executive Director.

(b) TriMet will promptly initiate a thorough administrative investigation of the complaint. The employee reporting the matter will be requested to give a statement about what was said, what was done, where it occurred, and what behavior the employee believes to have been inappropriate. The alleged harasser will similarly be requested to give a statement. TriMet will request the complainant to give the names of any other individuals who the employee believes may have knowledge concerning the incident or similar incidents. If TriMet believes that these potential witnesses will be helpful in resolving the matter, TriMet will conduct interviews of those individuals for corroboration of the matters described by the complainant. Any employee with knowledge of the allegations will be encouraged to participate fully and truthfully in the administrative investigation.

(c) If it is determined after the investigation that conduct in violation of this policy has in fact taken place, appropriate corrective action will be taken against the person or persons responsible. Depending on the findings of the investigation, the corrective action could range from counseling of the employee to disciplinary actions, up to and including termination. If the investigation reveals that someone outside of TriMet's employ has engaged in harassment of a TriMet employee, TriMet will take appropriate actions to address the conduct by such individual or companies employing such individuals.

All information disclosed pursuant to this procedure will be held in confidence to the extent practicable. Disclosure will be made on a need-to-know basis in order to investigate and resolve the matter or as necessary to further the investigation.

11. What happens after a report of harassment or disrespectful conduct is investigated?

TriMet will be proactive in following up with the complainant to ensure the harassment is not recurring, that discipline was effective, and has not caused any real or perceived negative consequences for the complainant. If new complaints are raised, TriMet will promptly investigate the new allegations to evaluate whether the resolution was effective or if retaliation has occurred. Individuals who report harassment or disrespectful workplace conduct, or who participate in an investigation of such behavior, shall not be retaliated against or otherwise treated adversely.

12. What happens if I am retaliated against for filing a complaint?

If you feel that someone is retaliating against you for filing a complaint, report it immediately to your supervisor, the Director of Employee Services, Human Resource Manager or Senior Human Resource Representatives in the HR department or any other Executive Director. An investigation will be conducted swiftly and if appropriate, corrective action will be taken.

13. What kind of disciplinary action could be taken against the person who engages in harassment or disrespectful conduct?

If it is determined conduct in violation of this policy occurred, the following is a list of the types of disciplinary action that may be taken against the harasser:

- Verbal/written warning;
- Counseling;
- Suspension;
- Sensitivity training or education on the harassment laws and appropriate workplace conduct;
- Re-assignment of workers to different locations or shifts; and/or
- Termination

14. What if the alleged harasser is or was someone with whom I was romantically involved?

TriMet will treat and respond to all kinds of harassment in the same manner, including harassment allegedly occurring by a current or former romantic partner. TriMet does not prohibit co-workers from dating or becoming romantically involved. However, employees who are romantically involved may not be in a direct supervisory relationship.

Retaliation Policy

It is a violation of state and federal law, as well as TriMet policy, to retaliate against employees or customers who have filed a complaint of discrimination, participated in an investigation of unlawful discrimination, declared misuse of public funds, or engaged in other legally sanctioned, appropriate behavior.

Discrimination, for purposes of this policy, is defined by law and explained in the following sections: *Affirmative Action*, *Americans with Disabilities Act*, *Equal Employment Opportunity*, and *Respectful Workplace Conduct*. Discrimination based upon age, disability, race, national origin, sex, sexual orientation, or any other group protected by law is prohibited.

Managers and supervisors are responsible to ensure that this policy is followed in their work units. The Employee Services Director is responsible for investigating allegations of retaliation under this policy, which is administered by Human Resources.

An employee who believes that this policy has been violated may file a complaint with his/her supervisor or manager or the Employee Services Director (or designee) in Human Resources.

Violence Prevention

Scope:

This policy applies to all employees of TriMet, while working on TriMet projects, property, and facilities, and extends to employees outside of TriMet's workplace while in identifiable TriMet uniforms.

The purpose of this policy is to promote an efficient and safe workplace and in the interest of the public to provide efficient, reliable, and courteous service.

Policy

The Violence Prevention in the Workplace Policy reflects TriMet's commitment to providing a secure, non-threatening and non-violent workplace, implements TriMet's goal of reducing the risks associated with workplace aggression, and establishes the duties of all TriMet employees relating to violence prevention in the workplace. No TriMet employee may engage in any act or aggression or threat, in any form (written, verbal, or physical conduct), including by physical contact with another person, intimidation, harassment, and/or coercion, while upon TriMet-controlled property or in the course of work for TriMet. TriMet employees are strictly prohibited from and subject to immediate termination for any verified physical assault in any way of an employee, customer, member of the public, or other person, in violation of this policy.

Every TriMet employee has a duty to remain alert to the threat of violence in the workplace. TriMet employees must report to their manager or the Human Resources Department any information that relates to threatened or actual violent conduct. Retaliation for making a report under this policy is strictly prohibited. Further, no employee is permitted to bring to work, or possess while on TriMet property, any dangerous or deadly weapon, without regard to whether an employee possesses a permit to carry a concealed weapon, except for specifically identified personnel authorized to carry personal protection devices. Employees found to have violated this policy will be subject to discipline.

Guidelines

1. What is "violence," "violent conduct" or act of aggression?

For the purposes of this policy, violence or workplace violence is defined as physical assaults, threatening physical behavior, verbal threats, verbal aggression or abuse, stalking or surveillance, carrying a dangerous weapon, or any other words or conduct that would cause a person to be concerned for his or her personal safety or the safety of his or her family, friends and or property.

Examples of conduct that are violent or aggressive and prohibited by this policy include:

- Verbal threats made by any method of communication (in-person, phone, email, fax, conventional mail, through a third party, etc.).
- Intimidating conduct, including but not limited to conduct that results in fear of personal safety, such as the use of vulgar or profane language toward others; disparaging or dero-

gatory comments or slurs; verbal intimidation, exaggerated name-calling or exaggerated criticism, and initiating or spreading rumors about co-workers.

- Any physical assault including hitting, pushing, kicking, holding, and deliberately impeding or blocking the movement of another person.
- Possession of any prohibited weapon.
- Intimidating, menacing, or frightening behavior, whether verbal or physical, toward other individuals.
- Intimidating or attempting to coerce an employee to commit wrongful acts as defined by applicable law, administrative rule or to violate Company policy.
- The willful, malicious and repeated following or stalking of another person and making of a credible threat with the intent of placing another individual in reasonable fear for his or her safety.
- The intentional destruction of, or threat of damage or destruction to property owned, operated or controlled by the Company, or of the vandalizing of or destruction of personal property of employees.

2. What is a “dangerous or deadly weapon?”

A dangerous or deadly weapon includes any object, instrument or chemical that is used as a weapon, including all firearms, metal knuckles, straight razors, mace or pepper spray canisters, nunchakus, blackjacks, and any type of knife except a pocketknife with a blade of not more than three and one-half inches. Dangerous and deadly weapons also include any other device or instrument capable of inflicting injury to another person or property, if it is carried with the intent to use the device or instrument as a weapon.

3. What if I use tools in connection with my job at TriMet that might constitute a weapon?

The possession and use of a tool or instrument that might otherwise meet the definition of a dangerous or deadly weapon will not violate this policy if the use and possession of the tool or instrument is used for its intended purpose and its use is solely confined to assigned work duties. For instance, a utility knife kept and used at the worksite as a tool for performing TriMet work would not constitute a weapon under this policy, so long as its use is confined to TriMet work.

4. What does it mean to “bring to work” or be in “possession” of a weapon during the course of your work for TriMet?

Possession includes having a weapon upon your person, in storage within any workspace, or any package or container, including a purse or briefcase, that you bring to work. Employees must keep in mind that desks, computers, telephones, vehicles and office space are the property of TriMet and that TriMet reserves the right to enter or inspect the work area of any employee, with or without notice.

5. What should I do if I witness another employee, or other person, engaged in conduct that appears to violate this policy (or hear about a violation of this policy), including a person that is acting aggressively?

An employee witnessing any activity in violation of this policy should immediately report the activity to his or her manager or the Human Resources Department. If an employee encounters a co-worker or other individual who acts violently or aggressively toward him or her, if at all possible, the employee must retreat from the encounter, and then notify a manager, a Human Resources Department representative, or security personnel. Employees have a responsibility to assist TriMet in maintaining a safe and non-violent workplace. Thus, it is each employee's duty to report suspicious, unethical, illegal, violent or potentially violent behavior when such behavior is job related, engaged in by a TriMet employee, threatens a TriMet employee or is carried out on TriMet-controlled property.

6. What measures are employees expected to undertake in order to protect workspaces from the risk of outside violence?

All employees, contractors and individuals conducting business on TriMet property must wear a TriMet security ID badge. All visitors must wear the disposable "visitor" sticker. See HR policy # HR 428 for further information. No employee can assist a non-employee in gaining access to TriMet buildings or property (other than those open to the public) without following the ID badge procedure.

7. How will TriMet respond if a violent incident occurs in the workplace or it is determined that a threat of violence is present?

TriMet's response to a report of a violent incident or threat will depend upon whether the prohibited conduct was carried out by a TriMet employee or non-TriMet employee. Generally, incidents involving threats from outside persons are handled as a police matter, and any investigation or response (including the issuance of an Interdiction Command, exclusion, or arrest) is coordinated with the police.

In addition to any police action, if an incident involves a TriMet employee, TriMet will review the circumstances involving the aggressive or violent conduct, perform an investigation, and take appropriate corrective action. An employee determined to have engaged in conduct prohibited under this policy will be subject to discipline and also may be prohibited from entering into TriMet offices or other workspaces or barred from certain sections of TriMet workspace. In those instances in which TriMet verifies that an employee physically assaulted an employee, customer, or member of the public, or other person not in lawful self-defense or the defense of another, the disciplinary action will be termination. Access to certain facilities or locations may also be limited while the outcome of an investigation is pending. Access limitations may result in temporary suspension or temporary or permanent reassignments.

8. What kind of disciplinary action could be taken against the person who engages in violence, violent conduct, or an act of aggression?

If it is determined conduct in violation of this policy occurred, the following is a list of the types of disciplinary action that may be taken against the person violating this policy:

- Verbal/written warning;
- Counseling;

- Suspension;
- Re-assignment of workers to different locations or shifts; and/or
- Termination