

Municipal Clerk's Office
Amended and Approved
Date: February 12, 2019

Submitted by: Assembly Chair Dunbar, Assembly
Member Quinn-Davidson, and
Assembly Member Petersen
Prepared by: Municipal Clerk and Assembly Counsel
For reading: December 18, 2018

ANCHORAGE, ALASKA
AR No. 2018-392, As Amended, As Amended

1 **A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY ESTABLISHING A**
2 **SEX DISCRIMINATION AND SEX-BASED HARASSMENT POLICY FOR THE**
3 **ASSEMBLY DEPARTMENT, INCLUDING ASSEMBLY MEMBERS.**
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6 **WHEREAS**, a harmonious and safe environment is important in the workplace;
7 and
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9 **WHEREAS**, an effective sexual discrimination and harassment policy and training
10 is an important tool to deter and prevent incidents from occurring, to protect potential
11 future victims from experiencing unfair and demeaning treatment, to provide a process
12 for addressing and remedying sexual discrimination and harassment when it does occur,
13 and to prevent a hostile work environment from developing; and
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15 **WHEREAS**, the Federal Civil Rights Act of 1964, 42 U.S.C. § 2000-e, the Alaska
16 Human Rights Act, AS § 18.80.220, Title 5, Equal Rights, and Chapter 3.30, Personnel
17 Rules, of the Anchorage Municipal Code, and other laws and policies make it unlawful to
18 discriminate or harass an employee or applicant because of an individual's sex, but these
19 laws either exempt or are difficult to apply to elected officials; and
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21 **WHEREAS**, many elected government bodies around the United States in recent
22 years have adopted sexual discrimination and harassment policies applicable to their
23 elected officials, including the Legislative Council of the Alaska Legislature which adopted
24 a Sexual and Other Workplace Harassment Policy in April of 2018; and
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26 **WHEREAS**, the Administration of the Municipality of Anchorage updated its policy
27 and procedure regarding Unlawful Discrimination and Harassment in June of 2018, but it
28 does not apply to Assembly Members; and
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30 **WHEREAS**, under our form and structure of municipal government the Assembly
31 and the Administration are separate yet equal legislative and executive branches of the
32 Municipality of Anchorage and may have separate policies and procedures applicable to
33 their officials and employees; and
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35 **WHEREAS**, the Assembly finds it wise and desirable to foster and provide a
36 harmonious work environment in the Assembly Department and amongst themselves free
37 from sexual discrimination and sex-based harassment.

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NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES,

That the Unlawful Sex Discrimination and Sex-Based Harassment Policy attached as Exhibit A is hereby adopted, effective immediately.

PASSED AND APPROVED by the Anchorage Assembly this 12th day of February, 2019.



Chair

ATTEST:



Municipal Clerk

 <p>ASSEMBLY OPERATING POLICY / PROCEDURE</p>	Assembly Dept. P&P 2018-1	Page 1 of 5
	Effective Date: <p style="text-align: center;">February 12, 2019</p>	
Subject: Anchorage Assembly Department Unlawful Sex Discrimination and Sex- Based Harassment Policy	Supercedes No.	Dated: December 18, 2018
	Approved by:	

1. PURPOSE

To establish a policy regarding unlawful sex discrimination or sex-based harassment for the Assembly Department.

2. POLICY

It is the policy of the Anchorage Assembly to provide a harmonious work environment free from sex discrimination or sex-based harassment in the Assembly Department. This Assembly policy governs Assembly members, aides, volunteers, and interns (collectively referred to as "Assembly Personnel"). Employees of the Assembly Department remain subject to Municipality P&P 40-38, Unlawful Discrimination and Harassment Policy.

Retaliation is also prohibited against Assembly Personnel and Assembly employees for reporting such incidents or participating in an investigation under this policy.

3. ORGANIZATIONS AFFECTED

- The Anchorage Assembly
- The Assembly Counsel's Office
- The Municipal Clerk's Office
- The Municipal Ombudsman's Office

4. REFERENCES

- a. Municipality of Anchorage EEO/AA Policy Statement.
- b. Municipality of Anchorage Unlawful Discrimination and Harassment P&P 40-38.
- c. Anchorage Municipal Code 3.30, Personnel Rules.
- d. Anchorage Municipal Code 5, Equal Rights.
- e. Sexual and Other Workplace Harassment Policy of the State of Alaska Legislative Council.

5. DEFINITIONS

- a. Assembly Member: any person, including the Chair, elected or appointed to serve on the Anchorage Assembly upon taking the oath of office.
- b. Assembly Aide: any person performing tasks for an individual Assembly Member under municipal contract.

- c. Assembly Intern: any person performing tasks for an individual Assembly Member through an internship program.
- d. Assembly Personnel: collectively an Assembly Member, Assembly Aide, Assembly Intern, and Assembly Volunteer.
- e. Assembly Volunteer: any unpaid person performing tasks directed by the Assembly Department on more than an infrequent basis.
- f. Compliance Agency: a local, state, or federal agency empowered by statutes, ordinances, or regulations to investigate complaints of discrimination. The following are Compliance Agencies: the Alaska State Commission for Human Rights (ASCHR); the Anchorage Equal Rights Commission (AERC); the Federal Equal Employment Opportunity Commission (EEOC); and, the Office of Federal Contract Compliance Programs (OFCCP). Other federal agencies have certain investigative responsibilities on matters relating to grants or programs that they administer.
- g. Complaint: a complaint filed with a Compliance Agency.
- h. Employee: for purposes of this policy, any employee in the Assembly Department, who is subject to the Personnel Rules.
- i. Office of Equal Opportunity (OEO): a Municipal Office that provides information and assistance to employees who believe they have been discriminated against or harassed by another employee or person in the Assembly Department. OEO is part of the Municipality and is not a Compliance Agency.
- j. Chair: the chair of the Assembly, or the vice-chair in the case of unavailability of the chair, in accordance with AMC section 2.30.020, or in the case where the conduct of the Chair is at issue.
- k. Retaliation: materially adverse action taken against an employee who is opposing unlawful sex discrimination, sex-based harassment or because the employee has made a charge, testified, assisted or participated in an investigation, proceeding or hearing concerning unlawful sex discrimination, sex-based harassment or retaliation under this policy.
- l. Sex Discrimination: the unequal treatment of employees with respect to the terms and conditions of their employment, based on sex, gender, sexual orientation, or gender identity.

- m. Sex-Based Harassment: unwelcome visual, verbal, or physical conduct of a sexual nature, including sexual advances, requests for sexual favors, touching of a sexual nature, or other conduct of a sexual nature, as well as hostile behaviors.

Sex-based harassment is prohibited when it is sufficiently severe or pervasive (frequent) that it creates a hostile or offensive work environment or when it results in an adverse employment decision such discipline, demotion, or termination.

6. REPORTING AND REFERRAL RESPONSIBILITIES

a. Each Assembly Department Employee:

- i. Shall follow the reporting requirements set forth in Municipal Policy 40-38, Unlawful Discrimination and Harassment, attached as Exhibit 1.
- ii. May request administrative leave as set forth in the Municipal policy if the matter is referred to OEO. The Employee Relations Director and the OEO Director, in consultation with the Chair, will work together to determine the appropriate amount of administrative leave.

b. Each Assembly Division Manager shall:

- i. Ensure that all employees in that division are familiar with Municipal Policy 40-38, Unlawful Discrimination and Harassment.
- ii. Report allegations of sex discrimination or sex-based harassment to the Chair of the Assembly or to the Municipal Attorney.

c. The Chair of the Assembly may:

- i. Request assistance from the Municipal Attorney's Office, OEO, and/or Employee Relations if an allegation of discrimination or harassment under this policy involves Assembly Department Employees or Assembly Personnel (excluding Assembly Members).
- ii. Request assistance of the Municipal Attorney if an allegation involves an Assembly Member.

7. ALLEGATIONS AGAINST ASSEMBLY MEMBERS

- a. If the allegation of sex discrimination, sex-based harassment, or retaliation involves an Assembly Member, the matter shall be referred to the Municipal Attorney for recommendation for referral.
- b. The Municipal Attorney may recommend referral of less serious allegations to OEO for informal resolution within 30 days.
- c. For more serious allegations, the Municipal Attorney shall assist the Chair in contracting with an independent investigator who shall be an attorney licensed in Alaska.
 - i. With respect to both the Municipal Attorney and the Investigator, the Chair will be deemed to be the client for purposes of attorney-client communications and privilege. The Investigator will report jointly to the Municipal Attorney and the Chair.
 - ii. The Investigator shall prepare a report summarizing the allegations and findings of the investigation, without naming or identifying the victim or witnesses.
 - iii. If the summary report concludes that the conduct of an Assembly Member is in violation of this policy, the report shall be subject to public disclosure upon concurrence of the Municipal Attorney.
 - iv. If the summary report concludes that the allegations are unsubstantiated, the matter shall be deemed dismissed.

8. COMPLIANCE AGENCIES

Employees of the Assembly Department under Municipal P&P 40-38 and Assembly Personnel under this policy may have the option to file a Complaint with a Compliance Agency. Contact the Compliance Agencies for information about Complaint procedures and filing deadlines.

9. REVIEW DATE/LEAD REVIEW AGENCY

The Assembly Department and the Municipal Attorney's Office will review this document and update it as needed.