

PROHIBITED BEHAVIORS

Both elements below must be proven for a finding of discrimination

You suffer an **adverse action** such as
termination,
discipline, or denied a
promotion.

BECAUSE OF

Your protected class.

Discrimination

All three elements below must be proven for a finding of harassment

You experience
unwelcome conduct
(can include touching,
written or verbal
comments, images,
non-verbal behavior,
or unwelcome
conduct of a sexual
nature).

AND

The conduct is based on a **protected class**.

AND

Conduct is severe (very serious) or pervasive (occurs frequently) enough to create a work environment that's intimidating, hostile, or abusive. Or, enduring offensive behavior that becomes a condition of continued employment.

Harassment

If there is an element missing, it's not considered unlawful discrimination or harassment but may still fall under workplace misconduct (<u>Personnel Rules Preamble</u>, and <u>Personnel Rule 1.1</u>).

PROHIBITED BEHAVIORS

All three elements below must be proven for a finding of retaliation

You engage in a **protected activity**.

AND

You suffer an **adverse action** that could
deter a reasonable
person from engaging
in protected activity.

AND

There is a **causal link**between your
protected activity and
the adverse action.

Retaliation

If there is an element missing, it's not considered unlawful retaliation but may still fall under workplace misconduct (<u>Personnel Rules Preamble</u>, and <u>Personnel Rule 1.1</u>).

What if the behavior doesn't meet all three elements? It may be workplace misconduct.

Workplace Misconduct

You experience conduct that:

- unreasonably interferes with your work performance,
- damages your employment opportunities, or
- creates an environment that a reasonable person in a City workplace would consider intimidating, hostile, or abusive.



Those committing prohibited behaviors may be subject to discipline under <u>Personnel</u> <u>Rule 1.3</u>, up to and including termination of employment (<u>Personnel Rule 1.1.2 and 1.1.5</u>)