

AB 1661 Sexual Harassment Prevention Training

*League of California Cities
2026 Annual Conference*

FRIDAY, SEPTEMBER 25, 2026

HOUSEKEEPING & REMINDERS

You MUST scan IN
AND OUT to receive
credit

You must be present
for the full two-hour
training

Certificates will be
emailed to
attendees to scan in
and out

To receive MCLE credit,
your bar number must
be attached to your Cal
Cities profile. You can
add that anytime!

Contact Kristy
Bivens
(kbivens@ca-ilg.org)
with questions or
concerns

HOUSEKEEPING & REMINDERS

The League of California Cities is committed to providing a safe and respectful environment for all participants and staff at Cal Cities events.

We expect participants and staff to:

- Be considerate and respectful in your speech and actions.
- Refrain from behavior and speech that is threatening, abusive, discriminatory, or harassing.
- Be mindful of your surroundings and your fellow participants.

If you experience or witness threats, unlawful discrimination or harassment during a Cal Cities event, or have any other concerns, please contact a member of Cal Cities staff immediately.

NON-PROFIT, NON-PARTISAN & COMMITTED TO SUPPORTING & IMPROVING LOCAL GOVERNMENT

- The Institute for Local Government is the non-profit training and education affiliate of the League of California Cities
- We were founded in 1955, 70 years ago, and our mission is to serve and support local government
- Our target population is the 2,500 cities, counties and special districts in California
- We provide practical and easy-to-use resources so local agencies can effectively implement policies on the ground



PROGRAMS & SERVICES

Program Areas

Leadership &
Governance

Workforce
Development &
Civics Education

Public
Engagement

Sustainability



Services

Education &
Training

Technical
Assistance

Capacity
Building

Convening

Our mission is to help local government leaders
navigate complexity, increase capacity
& **build trust** in their communities



AB 1661 Sexual Harassment Training

California League of Cities

September 25, 2026

Presented by: Katherine Read, Esq. & Ryan Hallett, Esq.

INTRODUCTION

- Katherine Read & Ryan Hallett, Labor & Employment Attorneys
- RWG provides a broad range of legal services to cities, special districts, and public agencies all over the State of California.
- Two-hour training today
- Certificates of completion are in the back of the room

WHY ARE WE HERE?

- **California legal requirement**

- Two hours every two years for supervisors and City Councilmembers
- One hour every two years for non-supervisors

- **Respect in the workplace**

- Benefits the entire workforce (you are a part of the workforce!)
- More efficient operations
- Better services to the community

OBJECTIVES OF THIS TRAINING

- Understand laws against sexual harassment
- Understand how to prevent harassment and remedy violations
- Discuss real-life examples and learn to identify and address harassment if it occurs
- Learn about other forms of unlawful harassment, including harassment on the basis of gender, gender identity, gender expression, and sexual orientation
- Promote respect and dignity in the workplace

GROUND RULES

- There are no stupid questions! The more questions you ask, the better.
- Your trainers are here to assist, not judge.
- There is not always an obvious “right” or “wrong” answer. Take a guess!
- Participation is appreciated and will make this training more interesting and useful.

WHAT DO YOU THINK?

- **Is harassment under-reported?**

- This means harassment often occurs and is not reported because victims or witnesses are either afraid to report or do not understand what harassment is.

- **Is harassment over-reported?**

- This means harassment is often reported even when it does not occur.

KNOW YOUR POLICY

- Effective policies go beyond what the law requires.
- Know where your copy of the policy is?
- When was the last time you reviewed it?
- When was it last updated to reflect new laws?
- Is it accessible to all employees?
- Does it provide a clear procedure for reporting and responding to harassment complaints?

TAKE A GUESS: TRUE OR FALSE?

- Intent matters: If you make someone uncomfortable by your behavior, you cannot be liable for harassment.
- Off-duty or off-site conduct (e.g., at a bar after work or through text) is not workplace harassment.
- Your comments are protected if they are related to your political affiliation.
- Complimenting the way a coworker dresses is no longer permissible in the workplace.

WHO GETS HARASSED?

■ Statistics for women:

- Verbal sexual harassment (including catcalling, sexist slurs, offensive comments about body parts, inappropriate sexually explicit advances): 78%
- Cyber sexual harassment: 31%
- Physically aggressive sexual harassment: 59%

■ Statistics for men:

- Verbal: 54%
- Cyber: 24%
- Physically aggressive: 21%

ANTI-HARASSMENT LAWS

The federal and state governments have enacted laws protecting employees against harassment.

FEDERAL ANTI-HARASSMENT LAW

- Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e)
- Race
- Color
- Religion
- Sex (including pregnancy status, sexual orientation, and gender identity)
- National origin
- Age
- Disability
- Genetic information, including family medical history
- Workplace harassment is a form of sex discrimination

STATE LAW (FAIR EMPLOYMENT AND HOUSING ACT)

- Race
- National Origin
- Color
- Ancestry
- Sex
- Sexual Orientation
- Gender
- Gender Identity/Expression
- Physical or Mental Disability
- Religion or Creed
- Medical Condition
- Marital Status
- Pregnancy or Pregnancy-Related Condition
- Veteran or Military Status
- Age (40 or older)
- There are many other protected classifications under California law

WHAT IS SEXUAL HARASSMENT?

- Sexual harassment is a form of sex discrimination.
- There are two forms of sexual harassment:
 - Quid pro quo (Accounts for 1/3 of cases filed)
 - Receipt of a workplace benefit in exchange for a sexual favor; or
 - Denial of a workplace benefit as retaliation for refusal of sexual advances.
 - Hostile work environment (Accounts for 2/3 of cases filed)

DEFINITION OF SEXUAL HARASSMENT

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance or creates an intimidating, hostile, or offensive work environment.”

QUID PRO QUO SEXUAL HARASSMENT

- The conduct is unwelcome; and
- The conduct is sexual in nature; and
- Submission to or rejection of sexual advances affects the terms and conditions of employment, including:
 - Hiring and firing
 - Pay raises/bonuses
 - Better work assignments
 - Promotions

HOSTILE WORK ENVIRONMENT

- The conduct is unwelcome; and
- The conduct is sexual in nature; and
- The conduct
 - unreasonably interferes with an individual's work performance; or
 - creates an intimidating, hostile, or offensive work environment.

HOSTILE WORK ENVIRONMENT

Three types of hostile work environment:

- Sexual conduct directed at the complainant
- Sexual conduct directed at others, and complainant observes
- Sexualized environment - implicit pressure to submit to sexual advances or participate in sexual discussions, jokes, etc.

What is *not* a hostile work environment:

- Mean behavior that is **not** based on a protected category
- Rudeness, criticism, unfair or harsh performance feedback not related to sex or gender
- Horrible work environments and abusive bosses do not necessarily create a “hostile work environment.”

HOSTILE WORK ENVIRONMENT?

- Supervisor walks around discussing her preference for guys with six-packs.
- Supervisor provides you with harsh feedback with respect to your work conduct, and it makes you feel undervalued.
- Co-worker with your same job title disagrees with your music taste and makes fun of you in front of others.
- Co-worker tells sexual jokes in the break room; if you don't laugh, he insults you for being a "prude."

INCIDENT VS. ENVIRONMENT

- A single incident of quid pro quo harassment can constitute a sexual harassment claim.
- “Hostile work environment” harassment requires that the conduct is severe or pervasive.

WHAT IS SEVERE OR PERVASIVE?

- Considerations:

- The nature of the conduct
Example: Groping (assault) vs. pat on the knee
- The frequency of the conduct
- Physically threatening or humiliating?
- Did it interfere with the complainant's work performance?
- Did the offender have power over the victim?

FORMS OF SEXUAL HARASSMENT

■ Verbal

- Sexually explicit language
- Request for sexual favors
- Unwanted comments on a person's appearance
- Obscenities, jokes, comments about sex

■ Physical

- Unwanted touching
- May not rise to the level of assault

■ Visual

- Pictures, posters, office decorations
- Cartoons, other “humorous” depictions
- Question: what about pictures in a private office?
- What if the purpose is not sexual (e.g., family vacation photos)?

FORMS OF SEXUAL HARASSMENT IN THE AGE OF AI

- *Carranza v. City of Los Angeles* (2024) 111 Cal.App.5th 388, where under FEHA, the court held that widespread circulation of a topless photograph falsely identified as an employee could constitute severe or pervasive harassment
 - “[T]he prohibition against sexual harassment includes protection from a broad range of conduct, ranging from expressly or impliedly conditioning employment benefits on submission to or tolerance of unwelcome sexual advances, to the creation of a work environment that is hostile or abusive on the basis of sex.”
 - “The photo in question was an embarrassing and degrading closeup of the naked breasts of a woman (intended to depict Carranza) in a sexual pose. As the LAPD police chief acknowledged, the photo was meant to “harass, intimidate, ... [and] slander” Carranza and “to cause ridicule or embarrassment or harassment of her.””

WEARABLE TECHNOLOGY

- “Wearable technology” is a recent trend, with users able to wear technology as watches, eyeglasses, trackers, rings, and other tech, sometimes without the knowledge of co-workers or supervisors.
- The EEOC warned that any wearable technology that collects information about an employee’s medical status and provides that information to the employer may violate the Americans with Disabilities Act.
- Wearable technology of this type could be classified as conducting “medical examinations” or making “disability-related inquiries” in violation of federal law.
- There are privacy concerns regarding the continuous or intermittent audio and visual recording of employees without consent when the wearable technology records areas where employees and members of the public have a reasonable expectation of privacy.

IS THIS USE OF AI SEVERE AND PERVASIVE?

- Creating or sharing AI-generated nude or sexually explicit images of a coworker (similar to *Carranza* case)
- Using AI to place a coworker's face onto sexually explicit images
- Sharing AI-generated sexual memes or altered photos in workplace chats
- Using AI to create fake romantic or sexual conversations involving a coworker
- Videoing an employee, without their knowledge, changing in the locker-room with your Meta-glasses

WHAT IS UNWELCOME CONDUCT?

The challenged conduct is unwelcome if “the employee did not solicit or incite it. . . .”

Henson v. City of Dundee,
682 F.2d. 897 (11th Cir. 1982)

- A person does not have to say “no” in order to prove that the conduct was unwelcome or unwanted. If an employee complains of sexual harassment, the burden is on the accused person to prove that the conduct was *not* unwelcome.
- “Voluntary” is not a defense

HYPOTHETICAL

Maria is a management analyst for a City. She tells her supervisor, David, that she is interested in attending a professional conference that could help advance her career. David responds: "I might be able to make that happen. Why don't you give me a shoulder massage, and I'll see what I can do." Maria laughs nervously and leaves the office. The shoulder massage never occurs.

Is this sexual harassment?

- a) Yes, this is quid pro quo.
- b) No, because the shoulder massage never occurred.
- c) No, because David only made the request once.
- d) No, because a shoulder massage is not inherently sexual.

WHAT DO YOU THINK?

Tedrick and Taylor work for the same City. Taylor repeatedly tells jokes during staff meetings that contain sexual references and frequently shares sexually suggestive memes with coworkers. Several employees laugh, but Tedrick finds the conduct offensive and distracting. Tedrick reports the behavior to a supervisor and explains the issue. The supervisor responds, "Taylor is just trying to be funny. Nobody else seems bothered by it. If you don't like the jokes, just ignore them."

Did the supervisor do anything wrong? What could the supervisor have done instead?

IS THE CONDUCT UNWELCOME?

- Conduct may begin as welcome, but then become unwelcome.
- The person engaging in the conduct has the duty to prove that their behavior is welcome.
 - Employees may not feel comfortable telling their co-workers to stop.
 - When an employee exercises **control or power** over another employee (e.g., supervisor-supervisee relationship), it is important to be especially sensitive to the interactions.
 - Think: what are some ways an employee may exercise control or power over a co-worker?

FRIENDLY VERSUS “UNWELCOME”

- To determine if your behavior is unwelcome, ask yourself the following:
 - Is there equal power between me and the person I am interacting with?
 - Is there equal initiation and participation between me and the person I am interacting with?
 - Does the person I am interacting with give any verbal or visual signs of discomfort with my conduct?
 - Is my behavior appropriate for the workplace? (If you have to pause to think about it, the answer is probably no.)

IS THE CONDUCT SEXUAL IN NATURE?

- Pictures of people in non-work appropriate clothing
- Pictures of people engaging in sexual acts
- Discussions of physique, appearance, or sexual acts
- Requests of another employee to engage in sexual or romantic behavior
- Repeated requests to go on a date
- Physical contact or requests for physical contact, even if not overtly sexual (e.g., hugging, shoulder rubs)
- Jokes involving sex or gender, sexual orientation, gender identity or gender expression
- When in doubt, don't do it.

GOOD EXCUSES?

- “We’re like family, and we joke around a lot. I can joke around with someone who is like my sister.”
- “He didn’t tell me the comments made him uncomfortable, so how could I have known?”
- “My co-workers do it all the time and no one has complained.”
- “Our stories about our sex lives are common in the workplace. Our supervisor talks about his as well!”
- “I was expressing my opinion and did not mean to offend anyone.”
- “She’s a very sensitive, so I thought that she wanted a hug when she was crying.”

GRAY AREAS

- Hugs, pats on the back – “But I’m a hugger!”
- Safest approach: Avoid physical contact with coworker.
- “You look nice today!”
- Safest approach: Avoid commenting on coworkers’ physical appearance.
- Safest approach: Avoid discussions of a sexual or intimate nature with coworkers unless directly related to work.
- Do not comment on or ask questions about a person’s sexuality, sexual orientation, gender identity, or gender expression, unless that person raises it first. Be respectful!

APPROPRIATE WORKPLACE BEHAVIOR?

- An employee talks about her sexting women on Tinder in front of 10 co-workers. No one appears to be offended.
- An employee shows porn to another employee on his phone. Another employee accidentally sees the phone.
- An employee tells jokes about a friend who recently transitioned from the gender they were assigned at birth.
- An employee has pictures of his wife in his private office:
 - In her wedding dress
 - In a Halloween costume, dressed as Chappell Roan
 - In a bikini

I WANT BRIGHT LINE RULES!

- **Can I ask another employee on a date?**
 - Under the law, yes, but employers are allowed to adopt policies about romantic relationships between coworkers.
 - Once your coworker says no, continuing to express interest may constitute sexual harassment.
- **Can I hug my coworkers?**
 - If you have a workplace friend and you both initiate hugging and participate equally in the physical contact, then you may be on safe ground. But you may be making other employees uncomfortable by hugging them, even though you are not making sexual advances and don't intend to make anyone uncomfortable.
 - Why not err on the safe side?

HARASSMENT BY THIRD PARTIES

- Employers are required to protect employees from harassment by non-employees, even if they cannot control the behavior of third parties:
 - Customers
 - Clients
 - Members of the public
 - Vendors, contractors, suppliers
 - Other third parties
- If the employer knew or should have known that harassment was occurring, it may be liable unless it takes corrective measures.

OTHER METHODS TO ADDRESS THIRD PARTIES

■ Civil Harassment Restraining Order

- Individual Employee can file for restraining order for self and others
- Protects against violence or credible threat of violence and/or conduct that “seriously alarms, annoys, or harasses” the person to be protected
- Types of orders
 - No contact / Stay away by a certain distance including workplace
 - Not harass, stalk, threaten, or harm people
 - Cannot own or have firearms or ammunition

■ Workplace Violence Restraining Order

- Employer can file for restraining order on behalf of employee(s)
- Protects against violence or credible threat of violence
- Types of orders
 - No contact / Stay away by a certain distance including workplace
 - Not harass, stalk, threaten, or harm people
 - Cannot own or have firearms or ammunition

OFF-DUTY CONDUCT

Workplace harassment can occur:

- In any location
- On- or off-duty
- In work or social environments

UNLESS

- The relationship is completely private and not connected to employment; and
- The conduct occurs off-duty; and
- It occurs at an event or location that has no relation to work.

OFF-DUTY CONDUCT: GRAY AREAS?

- A few coworkers meet for a drink at a bar after work. One of them inappropriately touches another.
- A supervisor invites the whole team to meet for a drink after work. The supervisor uses an offensive slur to refer to a gay coworker who is not present.
- Two employees are hanging out on their break in the lunchroom, and one of them shows the other graphic photos on her phone.
- The City has a party for all employees. Attendance is optional. At the party, an employee gets drunk and tells one of his coworkers “you need to dress differently, I can’t tell if you’re a man or a woman.”
- Two employees become friends. They go on vacation together, and when they return, one employee complains to their supervisor that the other employee was making inappropriate sexual advances.

GENDER-BASED HARASSMENT

- A majority of individuals who identify as transgender or whose gender does not conform to traditional male/female binary categories say that they have experienced workplace discrimination or harassment.
- California law requires employers to allow employees to use the restroom that matches their gender identity, regardless of their biological sex.
- California law requires employers to allow employees to wear clothing and use the pronouns that match their gender identity or gender expression, regardless of their biological sex.

GENDER-BASED HARASSMENT

- Harassment based on someone's gender identity, gender expression, or sexual orientation is unlawful even if it is not sexual harassment.
- Examples: negative comments about transgender or other people whose gender identity or gender expression is different from the sex they were assigned at birth; slurs, insults, stereotypes, offensive jokes; refusal to address a coworker by their chosen name or gender pronoun; refusal to accept a person's gender identity or gender expression including refusal to accommodate how they dress or what bathroom they use.
- How do we create a respectful work environment when people have different opinions?

EVERYONE MAKES MISTAKES

- **Heteronormative assumptions:**

- Asking your male co-worker “Did your wife go on vacation with you?”
- Try this instead: “Did you go on vacation alone or with family?”
- If you are corrected, apologize, move on in the conversation, and try not to make the assumption again.

- **Gender-based assumptions:**

- Telling an employee with masculine traits, “That’s the women’s restroom – you have to use the men’s room.”
- Try this instead: Don’t say anything! If the person is entering the wrong restroom, they will likely realize it very quickly. You may think the person is a man, but perhaps they are a woman with traits/appearance more associated with masculinity.
- If you make a mistake, apologize.

- **What assumptions do you make?**

WHAT SHOULD YOU DO IF YOU EXPERIENCE HARASSMENT?

- If you feel comfortable, tell the person to stop.
- Report the conduct internally.
- Report the conduct to an outside agency.
 - The law permits you to complain to the EEOC or California Civil Rights Department without reporting it internally.
- Retaliation for reporting harassment is illegal. You cannot be punished for making a good faith report of conduct you believe to be harassment.

INTERNAL REMEDIES FOR HARASSMENT VICTIMS

- File internal complaint or report
- Who to report harassment to?
 - Immediate supervisor, any supervisor, or any management employee.
 - General Manager or Human Resources Manager or anyone else designated in the City's policy.
 - City Counsel or City's employment counsel
- As a supervisor, be aware that the employee does not need to say “complaint” or “sexual harassment”

EXTERNAL REMEDIES FOR HARASSMENT VICTIMS

- Option to file complaint with California Civil Rights Department or federal EEOC
- Each agency has procedures for investigation and resolution of complaints
 - Request for information
 - Employer submittal of written response
 - Interviews
 - Potential charge
 - Notice of right to sue
- Option to sue in court

BYSTANDER DUTIES

- Strategies for addressing harassment when you witness it?
- When are you obligated to report harassment?
- Supervisor versus non-supervisor obligations
 - Should you do nothing?
 - “I promise not to tell anyone”
- Know your employer’s policy!

EMPLOYER'S DUTY TO INVESTIGATE

- Harassment complaints must be investigated.
 - Complaint can be verbal or written
 - No duty to determine at the outset whether harassment has occurred
 - Interim measures should be taken to ensure that the complainant/victim is not subjected to further harassment. This may include separating the employees in the workplace.
 - Any interim measures taken cannot be punitive towards the complainant.

HARASSMENT INVESTIGATIONS

- Impartial investigator (internal or external)
- Confidential
- Interviews, review of documents, assessment of credibility
- Written report
- Notification to parties only, not witnesses
- No retaliation!

EMPLOYER LIABILITY

- Harassment by officers and directors acting within the scope of their employment
- Strict liability for harassment by a supervisor with “immediate (or successively higher) authority over the employee”
- An employer is liable for harassment by non-supervisory employees if it:
 - “Knew or should have known” about the harassing conduct; and
 - Failed to take immediate and appropriate corrective action.
- **Employees have the right to a harassment-free work environment, but management determines how to accomplish that (e.g., reassignment, transfer, removal from workplace, etc.).**
- The remedy cannot be punitive towards the complainant.

RETALIATION PROHIBITED

- The law prohibits retaliation against employees who complain about harassment or participate in a harassment investigation.
- Conduct that may constitute retaliation includes:
 - Demotion, suspension, reduction in pay, termination
 - Negative treatment (gossip, insults, rumors)
 - Change in duties or intangible benefits
 - Hostility or ostracizing

RETALIATION PROHIBITED

- Beware of perceived acts of retaliation. The employee who has filed a complaint will be more sensitive to treatment perceived as negative.
- Claims of retaliation are taken seriously and should be investigated the same way harassment complaints are investigated.
- What should you do if you know someone has filed a harassment complaint?
 - Don't speculate, gossip, make judgments or conclusions
 - Keep information confidential
 - Be respectful to all sides
 - Don't involve yourself in someone else's complaint unless you are a witness

EMPLOYERS SHOULD BE VIGILANT

- **Keep the workforce informed!**
 - Regular updates of harassment policies
 - Ensure all employees have copies of current policies
 - Conduct regular trainings (required by law)
 - As leaders/supervisors:
 - Set good examples
 - Foster respectful environment
 - Encourage employees to speak with you about concerns
 - Encourage employees to ask questions
 - Learn to recognize problematic interactions and stop them before they become worse

ABUSIVE CONDUCT

“Conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.” (Govt. Code § 12950.1)

WHAT IS ABUSIVE CONDUCT?

- Different from harassment
- More extreme than “bad boss behavior”
- Not related to legitimate business purposes (e.g. a poor performance evaluation is not “abusive”)
- Not illegal (yet)
- Employers may develop their own definitions of abusive conduct and prohibit abuse of fellow employees.

HYPOTHETICAL

Michelle is a department manager, and Carlos reports directly to her. During a budget meeting, Carlos publicly disagrees with Michelle's recommendation. Since then, Michelle has repeatedly criticized Carlos's work, excluded him from meetings, and frequently told coworkers that Carlos is incompetent. Michelle often raises her voice at Carlos and assigns him unrealistic deadlines. Carlos believes Michelle is retaliating because of their disagreement over the budget recommendation.

Is Michelle engaging in unlawful harassment?

HYPOTHETICAL

Marcus and Jenna are supervisors in different divisions. During a leadership training, Jenna confides in Marcus that she has been casually dating another City supervisor for several months. Jenna tells Marcus, "Things have gotten complicated. I don't want to continue the relationship, but I'm nervous about ending it because we work together, and I see him almost every day." Marcus is unsure whether this is simply a personal matter or something that should be reported.

Is Marcus obligated to report the situation?

- a) No, because Marcus does not supervise Jenna.
- b) No, because Jenna and the employee with whom she is dating are at the same level.
- c) No, because the relationship is consensual.
- d) Yes, because the relationship is unwanted.
- e) Yes, because all workplace relationships might potentially constitute sexual harassment. ☒

HYPOTHETICAL

Andres, a manager, frequently forwards emails containing memes and cartoons with sexual themes to a group of employees. The emails are not directed at anyone in the workplace. Casey, a manager in a different division, finds the jokes funny and sees that most of his other coworkers laugh at the jokes. Then one of Casey's direct reports, Emily, tells Casey that the jokes make her feel harassed because she is female. Casey tells her that she is being too sensitive because the jokes are about men and women equally. He does not tell anyone what Emily told him and does not confront Andres. He thinks “if I do nothing, Emily will get over it soon.”

Did Casey do anything wrong?

- a) No, because the jokes are not specifically aimed at men or women.
- b) No, because Casey does not supervise Andres.
- c) Yes, because all sexual jokes constitute sexual harassment.
- d) Yes, because Casey is a supervisor and is required to report all complaints of harassment.

HYPOTHETICAL

Amber is a supervisor. An employee tells her that during a City-sponsored social event, she observed Richard repeatedly asking Madeline whether she was gay and pressing her to disclose her sexual orientation after Madeline indicated she did not want to discuss the topic. Amber has been close friends with Richard for many years and does not believe he would intentionally harass anyone. Richard has worked for the City for 15 years and has never been the subject of a complaint. Amber believes the reporting employee may have misinterpreted the interaction and is inclined to dismiss the report.

Is Amber obligated to investigate or report the complaint?

- a) Yes, if Amber can confirm that there were other witnesses to the incident.
- b) Yes, because Amber is obligated to act on all reports of potential harassment, even if she does not believe they occurred.
- c) No, because Richard has an excellent reputation and no prior complaints.
- d) No, because Amber believes the reporting employee misunderstood the situation.

HYPOTHETICAL

Jordan supervises Avery, who has worked for the City for 10 years. Avery recently informed coworkers that he is transgender and uses he/him pronouns. Most employees have adjusted without issue. During a staff meeting, Jordan repeatedly refers to Avery using she/her pronouns. After the meeting, Avery privately reminds Jordan that he uses he/him pronouns. Jordan responds, "I know that's what you prefer, but this is all new to me, and I'm probably not going to get it right." Over the next several months, Jordan continues referring to Avery by the wrong pronouns despite repeated reminders.

Did Jordan do anything wrong?

What could he have done differently?

HYPOTHETICAL

Philip is an independent contractor hired by the City to provide information technology services. He works on-site several days each week and regularly interacts with City employees. During a break, Stephen overhears Philip making derogatory jokes about gay people. Stephen tells Philip that the comments are inappropriate and make him uncomfortable. Philip responds, "Relax, I'm not a City employee, so your harassment policy doesn't apply to me. Besides, everyone knows I'm joking."

Considering that Philip is not an employee, what are Stephen's options?

QUESTIONS?



Thank you!

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