

EQUAL EMPLOYMENT OPPORTUNITY, ANTI-DISCRIMINATION AND ANTI-HARASSMENT



3.1 Equal Employment, Non-Discrimination & Anti-Harassment Policy

The City is an equal opportunity employer. The City makes employment decisions without regard to a qualified person's race, creed, color, religion, sex, national origin, ancestry, age, disability, or sexual orientation, subject to reasonable requirements permitted by law. The City is committed to a work environment in which all individuals are treated with respect and dignity. Therefore, The City requires that all relationships among persons in the workplace will be respectful, business-like and free of prejudice and harassment. The City prohibits and will not tolerate discrimination or harassment.

3.2 Responsibilities

1. Department Heads and Supervisors

- a) Creating an atmosphere free of discrimination and harassment.
- b) Insuring all employees are informed of this policy and the penalties for violation.
- c) Reporting complaints of discrimination or harassment in an expeditious manner to the Human Resources Director.

2. Employees

- a) Compliance with this policy and for respecting the rights of co-workers.

3.3 Americans with Disabilities Act (ADA) Policy

1. Discrimination Prohibited

It is City policy not to discriminate against any qualified employee or applicant with regard to any terms of employment because of the person's disability or perceived disability, so long as the employee can perform the essential job functions. Consistent with this policy, the City will provide reasonable accommodations to a qualified individual with a disability, as defined by the Americans with Disabilities Act, who has made the City aware of the disability, if the accommodation is not an undue hardship on the City.

2. Accommodation Request

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Director. Upon receipt of an accommodation request, the supervisor will meet with the employee to discuss and identify the limitations resulting from the disability and the potential accommodation that the City might make to help overcome those limitations. The City will determine the feasibility of the requested accommodation considering various factors, including, but not limited to, the nature and cost of the accommodation, the availability of tax credits and deductions, outside funding, the City's overall financial resources, and the accommodation's impact on the operation of the company, including its impact on the ability of other employees to perform their duties and on the City's ability to conduct business. The City will inform you of its decision on the accommodation request. The law does not require the City to make the

best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

3. Reporting Discrimination

An employee or job applicant who believes that he or she has been discriminated against based on a disability should notify the Human Resources Director. If you believe the Human Resources Director has discriminated against someone based on a disability, report it to the City Manager who may notify the Council.

3.4 **Definitions of Harassment**

1. Sexual harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

- a) submission to such conduct is stated or implied as a term or condition of someone's employment;
- b) submission to or rejection of such conduct by a person is used as the basis for employment decisions regarding that person; or
- c) the conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors between individuals of the same or different gender. These behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about a person's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Sex-based or gender harassment includes conduct that does not involve sexual activity or language, but is directed at an employee because of their sex (e.g., male manager yells only at female employees but not males). This may also constitute discrimination if it is severe or frequent.

2. Other harassment

Harassment on the basis of any other protected characteristics is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that insults or shows dislike toward a person because of a person's race, color, religion, national origin, age, disability, sexual orientation or any other characteristic protected by law, and that:

- a) has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- b) has the purpose or effect of unreasonably interfering with a person's work performance; or
- c) otherwise negatively affects a person's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; demeaning jokes and display or circulation in the workplace of written or graphic material that demeans or shows dislike toward a person or group, including through e-mail. These policies apply to all employees, and prohibit harassment, discrimination and retaliation by fellow employees, supervisors or non-employees. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

3.5 Retaliation Is Prohibited

The City prohibits retaliation against any employee who reports discrimination or harassment, or one who participates in an investigation of such reports. Retaliation against an employee for a good faith report of harassment or discrimination, or for participating in an investigation of a claim of harassment or discrimination, is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action, up to and including termination.

3.6 Reporting Complaints

The City requires that all incidents of discrimination, harassment or retaliation be reported, regardless of the offender's identity or position. Employees who believe they have experienced harassing conduct must report complaints with the Human Resources Director before the conduct becomes severe or pervasive. If you believe the Human Resources Director has harassed you, report the complaint to the City Manager. Employees who have experienced conduct they believe violates this policy must also report the conduct. Early reporting and intervention are the most effective method of resolving actual or perceived incidents of harassment. Therefore, please promptly report any complaints or concerns so that prompt and corrective action can be taken.

Reporting Complaints	
Step 1	Report harassing conduct to the Human Resources Department. If you believe the Human Resources Director has harassed you, proceed to Step 2.
Step 2	Report the harassing conduct to the City Manager.

3.7 Investigation

Any reported allegations of harassment, discrimination or retaliation will be investigated. The investigation may include individual interviews with the parties involved and, where necessary, others who may have observed the alleged conduct or may have other relevant knowledge.

3.8 Discipline

Discipline for conduct constituting harassment, discrimination, retaliation or filing a knowingly false report of harassment will be handled appropriately up to and including termination.