

CITY OF CHESAPEAKE, VIRGINIA

NUMBER: 2.09 (20.5)

ADMINISTRATIVE REGULATION

EFFECTIVE DATE: 12/15/04

**SUBJECT: DEPARTMENT OF HUMAN RESOURCES
EQUAL EMPLOYMENT OPPORTUNITY POLICY**

**SUPERCEDES: 1/19/96
and 21.0 dated 1/19/96**

I. PURPOSE

The City of Chesapeake supports the full and meaningful implementation of the Equal Employment Opportunity policies contained within this Administrative Regulation. The organization's commitment in this regard goes well beyond meeting legal requirements. We believe that the personal uniqueness of each employee is an asset of great worth. As such, we are dedicated to creating a work environment where all employees are afforded the opportunity to develop, perform and advance to their maximum potential without regard to race, religion, age, color, sex, national origin, disability, marital status or sexual orientation.

The City has therefore adopted an Equal Employment Opportunity Policy designed to:

- Set uniform standards and procedures governing the equality of opportunity for City employees and job applicants;
- Eliminate discrimination or harassment in employment based on race, religion, age, color, sex, national origin, disability, marital status or sexual orientation;
- Promote equal employment opportunities for City employees and job applicants; and
- Create an environment free of discrimination and harassment.

This Administrative Regulation sets forth the City's anti-discrimination policies as well as the complaint and investigation procedures. This comprehensive Policy contains the following sections:

- Equal Employment Opportunity and Affirmative Action (Section V, Page 3-4)
- Harassment Free Workplace (Section VI, Page 4-7)
- Sexual Harassment (Section VII, Page 7-9)
- Disability Discrimination (Section VIII, Page 10-11)
- Complaint and Investigation Guidelines (Section IX, Page 11-15)
- Anti-Retaliation (Section IX, Page 15-15)

II. POLICY

It is the policy of the City to be an equal opportunity employer, to maintain a diverse workforce representative of the population of the City of Chesapeake, and to create and maintain a working environment free from discrimination/harassment. Any form of unlawful discrimination, including

harassment based on race, religion, age, color, sex, national origin, disability, marital status or sexual orientation or any other characteristic protected by applicable law is strictly prohibited. Any employee found to have engaged in illegal discrimination/harassment in the course of his/her employment will be subject to appropriate disciplinary action, up to and including termination of employment.

III. APPLICABILITY

The Equal Employment Opportunity Policy is applicable to all City employees within departments/agencies under the direction of the City Manager.

IV. DEFINITIONS

- **Age discrimination** occurs when someone is treated unfairly because of his or her age.
- **Color discrimination** occurs when someone is treated unfairly because of the color of his or her skin.
- **Disparate treatment discrimination** occurs when someone is treated unfairly because of his or her race, religion, age, color, sex, national origin, disability, marital status or sexual orientation.
- **Disability** is defined as a physical, mental or psychological impairment of a body system, which may limit one or more life activities of a person.
- **Disability discrimination** occurs when someone is treated unfairly because of a disability or perceived disability.
- **Disparate impact discrimination** occurs when there is a rule, requirement or policy that applies to everyone, but the effect or result is unequal.
- **Equal Employment Opportunity** is the right to be considered for a job, training opportunity, or other benefit for which a person is skilled or qualified.
- **Equal Employment Opportunity Professional** includes the Department of Human Resources Equal Employment Opportunity Coordinator and Specialist and any individual designated by a department and approved by the Department of Human Resources to address Equal Employment Opportunity matters.
- **Essential functions** are job duties that are fundamental to the position, not marginal. (A duty is a task that must be accomplished, rather than the manner in which the task is accomplished.)
- **Individual with a disability** is a person under the Americans with Disabilities Act who has a physical or mental impairment that substantially limits one or more major life activities; or a record of such impairment; or is regarded as having such impairment.
- **Harassment** occurs when someone creates an intimidating, hostile or offensive environment based on a person's race, religion, age color, sex, national origin, disability, marital status or sexual orientation.
- **Hostile environment** occurs when the conduct has the effect of unreasonably interfering with a person's work performance or creates an intimidating, hostile or offensive work environment, based on a person's race, religion, age, color, sex, national origin, disability,

marital status or sexual orientation.

- **Marital status discrimination** occurs when someone is treated unfairly because they are married, single, separated or divorced.
- **Mediation** is a process in which an impartial person (or panel) helps disputing parties communicate and understand their concerns and needs in a situation, identify and consider possible solution options, reach a mutually agreeable solution and put the agreement into a written form.
- **National origin discrimination** occurs when someone is treated unfairly because of his or her nationality.
- **Qualified individual with a disability** is defined as a person with a disability who “satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.”
- **Racial discrimination** occurs when someone is treated unfairly because of his or her race.
- **Religious discrimination** occurs when someone is treated unfairly because of his or her religious belief or non-religious belief.
- **Retaliation** occurs when negative action is taken against a person because of a personal difference or opinion, because that person has opposed unlawful discrimination, or because s/he has made a charge, testified, assisted, or participated in any manner in an investigation, or procedure under this policy.
- **Sex discrimination** occurs when someone is treated unfairly because of his or her gender. Sex discrimination includes pregnancy discrimination and sexual harassment.
- **Sexual harassment** includes unwelcome sexual advances, requests for sexual favors or other verbal/physical conduct or written communication of a sexual nature when:
 - Accepting or tolerating such conduct is made a term or condition of an individual’s employment, either explicitly or implicitly; or
 - Accepting or rejecting such conduct is used as the basis for personnel-related decisions affecting an applicant or employee; or
 - Such conduct creates an intimidating, hostile, or offensive working environment, or substantially interferes with an employee’s work performance.

V. EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

A. PURPOSE

The purpose of this section of the Policy is to establish the City of Chesapeake’s position regarding equal employment opportunity and affirmative action.

B. POLICY

The City of Chesapeake is an equal opportunity employer committed to compliance with federal, state, and local laws prohibiting employment discrimination. Employment decisions shall be based on merit, fitness and equality of opportunity, without unlawful discrimination

based on race, religion, age, color, sex, national origin, disability, marital status or sexual orientation.

The City is committed to preventing discrimination by ensuring that all employees are aware of their rights and obligations under this Policy and by encouraging work environments, which appreciate and respect differences among persons. The City shall promote these objectives through its policies and regular anti-discrimination training.

Where discrimination is suspected, employees are encouraged to use the City's complaint procedures. Any person found engaging in discriminatory conduct or practices will be subject to disciplinary action, up to and including termination, and any other measures deemed necessary to eliminate illegal or inappropriate behavior. In addition, departments/agencies shall take the necessary steps to address the impact that any unlawful discrimination may have had on the complainant, department or the City.

The City shall continue its initiative of offering a program of positive effort designed to encourage the identification, recruitment, employment and promotion of qualified applicants, including minorities and women. Actions will be taken to ensure that all facilities, programs and services are available to the public on a non-discriminatory basis.

Employees may address complaints and concerns through their department, their supervisory chain, the City's grievance procedure, the City's EEO Specialist, the State Human Rights Counsel or the Federal Equal Employment Opportunity Commission.

The Department of Human Resources is responsible for the official investigation of all complaints of discrimination/harassment.

VI. HARASSMENT FREE WORKPLACE POLICY

A. PURPOSE

The purpose of this Policy is to establish the City of Chesapeake's requirements for maintaining a harassment-free work environment.

B. POLICY

It is the Policy of the City of Chesapeake to treat all employees with respect and to ensure that the workplace is free of inappropriate and illegal harassment. This Policy prohibits illegal behavior based on a person's race, religion, age, color, sex, national origin, disability, marital status, sexual orientation or any other characteristic protected by local, state or federal law. When such behavior is engaged in, it is considered harassing if it creates a hostile, intimidating, offensive work environment, or unreasonably interferes with an employee's work performance.

As with sexual harassment, other discriminatory harassment can be verbal, non-verbal or physical. Harassment may be one (1) incident or a series of incidents and may exist systemically as part of the work environment. Examples of what may constitute other discriminatory harassment if unwelcome, severe, or pervasive and in violation the City's Policy, include, but are not limited to the following:

- racial or ethnic slurs;
- jokes, or derogatory remarks;
- insults, threats, literature, pictures or cartoons based on a protected characteristic; or
- any physical aggression based on a protected characteristic.

This policy applies to all terms and conditions of employment, including, but not limited to: recruitment, promotions, testing, training opportunities, hiring, transfers, work assignments, discipline, salary and benefits, termination, performance evaluations and working conditions. Employees have the right to work in an environment that is free of conduct that is harassing or inappropriate. No employee shall be subjected to unsolicited and/or unwelcome sexual, ethnic, racial, religious, age or color inappropriate conduct by any persons while engaged in legitimate City business. Inappropriate conduct may be verbal, non-verbal or physical. No employee shall encourage or condone such conduct. Any employee who engages in, perpetuates or condones inappropriate behavior shall be subject to disciplinary action. Likewise, any person conducting business with the City (contractors, vendors, citizens, interns, volunteers, or agents thereof) is expected to treat our employees and citizens with respect and to conform to the same workplace standards of conduct as City employees.

C. EMPLOYEE RESPONSIBILITIES

Each employee of the City is responsible for engaging in and promoting workplace behaviors that create and maintain an environment of respect and promote effective teamwork. Employees are also responsible for reporting behaviors that damage the environment. Employees shall meet and maintain the following standards:

- no employee shall explicitly or implicitly ridicule, mock, deride or belittle another person in the workplace; and
- employees shall not make offensive or derogatory comments based on person's race, religion, age, color, sex, national origin, disability, marital status, or sexual orientation.

D. MANAGEMENT RESPONSIBILITIES

Managers and supervisors have a greater responsibility, not only to model respectful, professional conduct at the workplace, but also to maintain an environment of respect and effective teamwork in their work areas. Managers and supervisors should monitor the

workplace for inappropriate behavior and must immediately report all incidents of harassing behavior to the Equal Employment Opportunity (EEO) Specialist in the Department of Human Resources. Management and supervisors shall:

- create and maintain a workplace that is free from harassment;
- monitor the work environment for signs that harassment may be occurring;
- counsel all employees of the types of prohibited behavior, and the procedures for reporting and resolving complaints of harassment; and
- refrain from participating in or encouraging actions that could be perceived as harassment.

Corrective action will be taken by management in response to confirmed inappropriate behavior by City of Chesapeake employees.

An employee's intentions and motives are not the decisive factors in considering the validity of alleged harassing behavior. If an employee's behavior is considered offensive or if the behavior has an intimidating, hostile or offensive effect upon another employee, then racial, religious, age, color, sexual, national origin, disability, marital status or sexual orientation harassment may be present. The unwelcomeness, frequency, severity of the behavior; statutes; and the City's Policy determine whether harassment has occurred.

E. INAPPROPRIATE CONDUCT

This policy prohibits behaviors that may not reach the level of harassment, as defined in the City's Harassment Free Workplace Policy, but behavior that nonetheless is inappropriate in the workplace. Such behavior includes, but is not limited to, bringing sexually explicit pictures, photographs, cartoons or objects to the workplace; repeated requests for dates; sexual bantering; jokes or teasing; sexual innuendoes; gestures or leers; obscene, profane or abusive language; terms of endearment such as "doll," "honey," "sweetheart" or "babe;" sending sexual, racial, ethnic, religious jokes, cartoons, etc. on e-mail, faxes, etc.; treating others in a discourteous manner; stealing, destroying, defacing, or misusing City property; engaging in acts of insubordination or dishonesty; and using racial, ethnic or religious slurs or demeaning comments.

Horseplay, malicious or dangerous pranks and any other inappropriate, non-work related behaviors are strictly prohibited. Jokes (verbal, electronic, printed or in any other medium) that are demeaning or have sexual, racial, ethnic or religious themes are inappropriate in the workplace.

Employees are required to immediately report inappropriate behavior, as defined in this Policy, to management or the EEO Specialist in the Department of Human Resources. The EEO Specialist will determine how the incident/allegation/complaint will be investigated. Departments should not investigate such matters without consulting with Human Resources. The unwelcomeness, frequency, severity of the inappropriate behavior; statutes; and the

City's Policy will determine whether harassment has occurred.

VII. SEXUAL HARASSMENT POLICY

A. PURPOSE

The purpose of this Policy is to clearly establish the City of Chesapeake's position with regard to sexual harassment; to communicate procedures by which victims of sexual harassment can file complaints; and to require management to maintain work sites that are free of sexual harassment.

B. POLICY

It is the goal of the City to provide a productive and challenging work environment, free from sexual harassment. It is the responsibility of all City employees to ensure that individuals are provided equal access to employment and services without being subjected to sexual harassment. Sexual harassment is a form of discrimination and is prohibited misconduct, which undermines the above goal and mission of the City. Allegations of sexual harassment will be fully investigated. Employees in violation of this Policy shall be subject to corrective and/or disciplinary action.

Sexual Harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature", when:

- submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Certain other behaviors may constitute sexual harassment if unwelcome, severe or pervasive and in violation of City Policy. Such behaviors include, but are not limited to:

- sexually suggestive conduct or remarks about clothing, body, or sexual activities directed personally at a member of the Chesapeake workforce, customer or citizen;
- speaking or whistling in a suggestive manner directed personally at others;

- sexual propositions, invitations, or other unwanted pressures for sexual contact;
- obscene gestures, patting, pinching, or any other sexually suggestive touching or feeling, attempted or actual kissing or fondling;
- coerced sexual acts;
- assault;
- expressed or implied requests for sexual favors as a condition of employment, promotion or favorable job performance;
- the display in the workplace of sexually suggestive or explicit objects, pictures, posters or cartoons, including, but not limited to, offensive electronic communications or voice-mail messages;
- access to pornographic images through the internet or e-mail; or
- verbal abuse of a sexual nature including foul or obscene language, lewd, off-color, sexually oriented comments, sexual jokes or any graphic verbal commentary about an individual's body.

The City of Chesapeake will not tolerate any conduct by any employee that constitutes sexual harassment as outlined in Title VII of Section 703 of the Civil Rights Act of 1964 as amended, the City of Chesapeake's Sexual Harassment Policy or other applicable laws and or regulations.

Any manager or supervisor who knows of a sexually intimidating or hostile work environment or who becomes aware that the terms and conditions of a person's employment are based upon submission to or rejection of sexual conduct must consult with the City's EEO Specialist immediately, without exception. Any employee who believes that he/she is being sexually harassed is urged to contact the appropriate authority.

Reprisal against an employee for filing a complaint of sexual harassment or participating in the complaint process is prohibited. However, this Policy does not grant a license for employees to engage in the unfounded or vindictive accusations of others. The City will protect the legitimate interests of all parties involved in a dispute involving an allegation of sexual harassment.

C. EMPLOYEE RESPONSIBILITY

Employees who witness or are made aware of sexual harassment or inappropriate behavior shall immediately report such behavior to the appropriate authority.

Employees who experience sexual harassment are encouraged to make it clear to the offender, at the time of the occurrence, that such behavior is offensive. The employee should then immediately notify his/her supervisor, or other appropriate officials or the EEO Specialist in the Department of Human Resources.

D. MANAGEMENT RESPONSIBILITY

Any department/agency head or supervisor who observes or is made aware of allegations of sexual harassment taking place in the workplace must immediately conduct a preliminary inquiry. The inquiry shall consist of obtaining from the complainant the following information:

- What happened;
- Who was involved;
- Where and when did it happen;
- Were there witnesses; and
- What do you want to see happen as a result of bringing the issue to management's attention?

The department/agency head or supervisor shall contact the EEO Specialist in the Department of Human Resources and provide the information ascertained from the preliminary inquiry.

All allegations or suspicions of sexual harassment must be referred to the Department of Human Resources for appropriate investigation. Each supervisor is responsible to make his/her employees aware of the City's Sexual Harassment Policy and to emphasize that sexual harassment will not be tolerated and may result in disciplinary action, up to and including termination. Supervisors are also responsible for ensuring that the work environment is free from sexual harassment.

Any violation of this Policy shall result in disciplinary action consistent with the provisions of the City of Chesapeake's Disciplinary Policy.

The EEO Coordinator or EEO Specialist in the Department of Human Resources is responsible for the official investigation of all allegations of sexual discrimination/harassment.

VIII. DISABILITY DISCRIMINATION POLICY

A. PURPOSE

This policy and these procedures are established to ensure the protection of qualified applicants and employees from discrimination in employment, programs, activities and services provided by the City of Chesapeake and are afforded the right to reasonable accommodations.

B. POLICY

It is the policy of the City of Chesapeake to make individuals with disabilities full participants in employment, programs services and activities. No applicant for employment, employee or program participant shall be denied access to, participation in or the benefits of the City's employment, programs or activities solely because of that person's disability. In the employment arena, this prohibition covers all aspects of the employment process including; application, testing, hiring, assignments, evaluation, disciplinary actions, promotions, medical examinations, termination, compensation, leave, training or benefits.

Disabilities are physical, mental, or psychological impairments of a body system, which may limit one or more life activities of a person. A record of such impairment includes, for example, a history of cancer, which is currently in remission. A relationship with a person having a disability includes not only having a family member with a disability, but also having a cooperative or supportive relationship at work (such as assisting a co-worker with a disability).

It is illegal to discriminate against "qualified individuals with disabilities." A qualified individual with a disability is an individual with a disability who meets the skill, experience, education, and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of a job. A person with a "disability" is an individual who has a physical or mental impairment that substantially limits one or more of his/her major life functions; has a record of such impairment; or is regarded as having such impairment.

The following are examples of actions that may constitute discrimination;

1. limiting, segregating, or classifying a job applicant or employee in a way that adversely affects employment opportunities for the applicant or employee because of his or her disability;
2. denying employment opportunities to a qualified individual because s/he has a relationship or association with a person with a disability;

3. using qualifications standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability unless they are job-related and necessary;
4. discrimination against an individual because s/he has opposed an employment practice of the City or filed a complaint, testified, assisted, or
5. participated in an investigation, proceeding, or hearing to enforce provisions of the Act.

The City will make reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless the accommodation would cause an undue hardship on the operation of the City.

Any manager or supervisor who knows of applicant or employee discrimination or who becomes aware that the terms and conditions of a person's employment are based upon such discrimination must consult with the City's EEO Specialist immediately, without exception. Any employee who believes that s/he is being discriminated against because of disability is urged to contact his/her supervisor, department or agency head, the City's EEO Specialist, or the City's EEO Coordinator for a consultation.

In addition to taking aggressive actions against discrimination towards persons with disabilities, the City will take appropriate action to encourage employment of and promotional opportunities for qualified applicants and employees with disabilities. City departments and agencies will make reasonable accommodation to qualified employees and applicants with disabilities, unless providing such accommodation would create undue hardship for the organization. Whether an accommodation is reasonable generally depends upon the circumstances of each situation. Some examples of accommodations, which have been found reasonable under certain circumstances, include job restructuring; making facilities physically accessible to and usable by persons with disabilities; modifying work schedules; providing or modifying equipment or devices; and providing auxiliary aides and services.

Employees and applicants with disabilities who may request a reasonable accommodation to perform essential job functions should follow the reasonable accommodation procedure, which may be obtained, from the Department of Human Resources.

IX. COMPLAINT AND INVESTIGATION GUIDELINES

A. PURPOSE

This section is intended to provide guidance for the prompt and fair handling of complaints of discrimination. Employees are urged to follow this procedure immediately whenever they

believe they have a complaint or are aware of a problem possibly involving discrimination, harassment or sexual harassment. The proper use of this procedure should result in an equitable resolution of the complaint or problem.

B. GENERAL PROVISIONS

1. When to File a Complaint

An employee or applicant for employment should consult with the EEO Specialist if s/he believes that s/he is being discriminated against or harassed by another City employee, or an independent contractor of the City because of actual or perceived race, religion, age, national origin, color, disability, sex, marital status or sexual orientation. The EEO Specialist shall assist the person in determining whether the issue s/he has raised is appropriate for resolution through the City's complaint process. Employees will not be retaliated against for consulting with the EEO Specialist about a suspicion of discrimination or for filing a complaint or cooperating in an investigation.

If an employee believes s/he is being harassed or retaliated against because s/he consulted with the EEO Specialist, filed a discrimination complaint, or cooperated in the investigation of a complaint, s/he is also encouraged to report this behavior to the EEO Specialist for investigation and appropriate action.

Federal, state and city laws prohibit the following types of discrimination based on your actual or perceived membership in a protected group:

- a) discriminatory treatment of employees or applicants in hiring, testing, work assignments, working conditions, salary, benefits, evaluation, promotions, training, transfers, discipline, termination, and any other term and condition of employment;
- b) policies that have a disparate impact on a group protected by law, unless they are justified by business necessity;
- c) failure to make a reasonable accommodation for an employee with a disability, or for an employee's religious observance; or
- d) discriminatory harassment, intimidation, ridicule or insults.

2. Where to File an Internal Complaint or Seek Assistance with an EEO Matter

Complaints may be filed through the employee's supervisory chain, applicable department/agency procedures, the City's Grievance Procedure, the City's EEO

Specialist, the State Human Rights Commission or the Federal Equal Employment Opportunity Commission. Where a department has a designated EEO professional, an employee may consult with that individual.

3. Meeting

An employee has a right to meet privately with the EEO professional during working hours; however, the employee should obtain approval prior to leaving his/her work assignment. An employee need not disclose to a supervisor the details or the purpose for meeting with an EEO professional. Requests of an employee to meet with an EEO professional during work hours cannot be denied by management. Management shall allow employees to meet with the EEO professional at the earliest practicable time consistent with the operational needs of their units.

The EEO professional will arrange to meet with an employee at outside premises where necessary in order to ensure confidentiality. At the employee's request, arrangements may also be made to hold the meeting before or after office hours, or during the employee's lunch period.

An employee or applicant may bring a representative of his or her choice to the meeting with the EEO Specialist, provided advance notice is given and the EEO Specialist gives consent.

4. Anonymous Complaints

Persons who wish to discuss a problem concerning discrimination without revealing their identity may do so by telephoning or writing the EEO Specialist. In such cases, the EEO Specialist shall provide counseling and take such follow-up action as may be appropriate and possible given the restraints of anonymity. Anonymous complainants should be aware that it may be necessary to investigate the alleged discriminatory behavior even if the anonymous complainant wishes to withdraw his/her complaint.

5. Confidentiality

All investigations conducted in accordance with any of the above policies will be done in confidence. Information obtained from a person who seeks the assistance of the EEO professional will not be discussed with other personnel except as necessary to investigate and resolve a complaint or other matter. All EEO matters shall be handled under the supervision of the Department of Human Resources in consultation with the City Attorney's Office.

6. Services Available From the EEO Office

The EEO professional shall interview the person seeking assistance to determine whether the person should receive assistance in the form of counseling, whether the person wants to request mediation, or whether the person wishes to file an internal or external complaint.

a) Counseling

The EEO Specialist shall discuss with the person seeking assistance, various options for handling the matter(s) of concern. These options may include further actions the employee could take on his or her own behalf, referrals to other agencies, which may be of assistance, or other informal assistance from the EEO Specialist.

b) Conflict Resolution Meeting

Conflict resolution is a voluntary process and requires acceptance by both parties involved to resolve the matter in dispute. When a request for conflict resolution is received, the EEO Specialist and the Employee Relations Administrator shall facilitate the meeting.

7. Investigation of Complaints

A person may file a written complaint of discrimination with the EEO Specialist at any time within three-hundred (300) days of the occurrence of the events that are the subject of the complaint.

The alleged offender in a complaint of discrimination shall be informed of the complaint, given the opportunity to respond in writing, and interviewed by the investigator.

The EEO Specialist shall present a confidential written report of the investigation to the department/agency head. If the results of the investigation confirm a violation of discrimination laws or the City's EEO policy, appropriate corrective action shall be recommended to the department/agency head for prompt implementation.

The EEO Specialist shall advise the complainant and the alleged offender of the outcome of the investigation in writing.

If a complaint alleges that a department/agency head has engaged, or is engaging, in unlawful discriminatory conduct, the EEO Specialist shall notify the City Manager or designee prior to commencing the investigation.

8. Withdrawing Complaints of Discrimination

The complainant may withdraw a complaint of discrimination at any time. However, the final decision to close the case shall rest with the EEO Specialist, who shall notify the parties whether the investigation has been terminated or is continuing.

C. ANTI-RETALIATION

It is unlawful to retaliate against or harass any person for filing a complaint of discrimination or for cooperating in the investigation of a complaint. The City will not tolerate such retaliation or harassment. Any person who believes that s/he is being retaliated against for filing a complaint or cooperating in an investigation is urged to file a complaint. Any employee who engages in such retaliation or harassment shall be subject to discipline, which may include reprimand, suspension, demotion, or termination.

Clarence V. Cuffee, City Manager

Date

Related Policies Include:

Administrative Regulation 20.3 Human Resources – Grievance Policy and Procedure

Administrative Regulation 20.7 Human Resources – Disciplinary Policy