




City of Olympia Administrative Guidelines

CSF	
COMPLIANCE WITH STATE AND FEDERAL DISCRIMINATION LAWS	
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COMPLIANCE WITH STATE AND FEDERAL DISCRIMINATION LAWS

- CSF .1** **PURPOSE:** To establish an integrated set of policies that provide direction to employees and management on how to comply with Federal and State discrimination laws.
- CSF .2** **APPLICATION:** This Administrative Guideline applies to all employees and volunteers. Specific Administrative Guidelines, Civil Service Rules, Labor Agreements, Individual Employment Contracts, or Memorandums of Understanding may provide clarification or greater detail than this guideline. In all cases, if there is any question as to the administration, interpretation or specific provisions of any federal or state law, the actual federal or state law will be referred to and will form the minimum requirements of any decision made by the city regarding compliance.
- CSF .3** **REFERENCE:** Further discussion of policy and guidelines pertaining to life-threatening illnesses can be found in Administrative Guideline EHM, Employee Health Management Policy, Long Term Disabilities.
- CSF .4** **POLICY:** It is the policy of the City of Olympia to provide an employment and work environment free of harassment and discrimination. Decisions made regarding hiring, promotion, discipline or other employment practices on the basis of age, sex, race, creed, color, national origin, sexual orientation, marital status, military service or the presence of any physical, mental or sensory disability or any other reason other than job related qualifications to perform the job is prohibited.
- CSF .5** **RESPONSIBILITY:**
- CSF .5.1** **EMPLOYEES:** Every employee is responsible for treating all other employees, volunteers, City elected and appointed officials, citizens, and anyone else doing business with the city in a respectful manner. Every employee is responsible for reporting any acts of harassment or discrimination that they have been subjected to, observed or that have been reported to them, to their supervisor or any management employee or Human Resources Department employee. Every employee is expected to cooperate fully in any investigation of harassment or discrimination and to be absolutely truthful in their reporting and in their responses during an investigation. Employees are responsible for keeping up-to-date and understanding the City's anti-harassment and anti-discrimination policies.
- CSF .5.2** **MANAGEMENT:** Management is responsible for stopping any act of harassment or discrimination that they become aware of and ensuring that it is not repeated. Managers are required to report any act of harassment or discrimination to the Human Resources Director or his/her designee and to actively participate in all aspects of the investigation and resolution of acts of harassment and discrimination. Managers are responsible for creating a harassment-free and discrimination-free work environment. They are responsible for communicating the City's policies regarding harassment and discrimination through training and on-going communication. Management employees are required to attend training related to prevention of and response to harassment and discrimination.

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CSF .6 ADMINISTRATION: The administration of this policy is the responsibility of the Human Resources Department. The Human Resources Director shall serve as the city “official” as called for in the specific anti-discrimination laws.

CSF .7 GUIDELINES:

CSF .7.1 DISCRIMINATION: The City of Olympia is an equal opportunity employer in all aspects of employment: hiring, discipline, promotion, pay and all other employment practices. This means that all employees, potential employees and volunteers are treated respectfully and without regard to their age, sex, race, creed, color, national origin, sexual orientation, marital status, military service, the presence of any physical, mental or sensory disability, or any other reason. The City believes that employees will do their very best work and the community will receive the best service possible when employees feel respected and work in a harassment and discrimination-free environment.

The Human Resources Department is responsible for the development and execution of a Workforce Diversity Program. The Workforce Diversity Program shall provide affirmative procedures, which ensure equality in employment and contribute to achieving and maintaining a workforce, which reflects the diversity of our community, to the extent allowed by law.

The Workforce Diversity Program is found in Appendix 2.

CSF .7.2 AMERICANS WITH DISABILITIES ACT: It is the policy of the City of Olympia to comply with the Americans with Disabilities Act and the State of Washington statutes regarding handicap discrimination. The City of Olympia will not discriminate in the provision of employment services or in its employment practices to any applicant or employee. The City will determine reasonable accommodation to provide employment services, employ or continue the employment of a qualified individual with a disability, persons with a record of such impairment or persons regarded as having such impairment.

The Human Resources Department is responsible to provide for evaluation and determination of a qualified disability and reasonable accommodation on a case by case basis. Consideration of or request for reasonable accommodation with respect to employment practices should be directed to The Human Resources Department.

- CSF.7.2.1. DEFINITION OF DISABILITY:** The ADA defines a disability as:
- a. a physical or mental impairment that substantially limits one or more major life activities;
 - b. a record of such an impairment; or
 - c. is regarded as having such impairment.

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The Washington State Law regarding handicap discrimination defines a disability as:

A sensory, mental, or physical impairment that is medically cognizable or diagnosable, or exists as a record or history, or is perceived to exist, whether or not it actually exists. The "disability" exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or may or may not limit an individual's ability to do their job or other activity.

CSF.7.2.2. GRIEVANCE PROCEDURE: Any member of the public, job applicant or employee may request a hearing and investigation of a complaint regarding compliance with the ADA with respect to employment practices through the City's established ADA Grievance Procedure.

The ADA Grievance Procedure is found in Appendix 4 of the Administrative Guidelines for Personnel Administration. Copies of the Grievance Procedure are available to the public or City employees at http://www.olympiawa.gov/citygovernment/ADA_Policy.htm or from the City Manager's Office or the Human Resources Department.

CSF .7.3 LIFE THREATENING ILLNESSES: It is the City's intent to establish policies regarding life-threatening illnesses including, but not limited to, Acquired Immune Deficiency Disease (AIDS) and related conditions and provide for education and training of employees in order to maintain a healthy work environment. The City expects all employees to treat individuals affected by a life-threatening illness with sensitivity, understanding and respect.

CSF.7.3.1. NO DISCRIMINATION FOR EMPLOYEES OR APPLICANTS: No City employee will engage in discriminatory practices as a result of the presence or perceived presence of AIDS, AIDS-related illness or other life-threatening illness, by an employee, applicant for employment, or any member of the public.

CSF.7.3.2. NO SERVICE DISCRIMINATION: The Citizens of the City of Olympia are entitled to receive City services free from discrimination. City employees who refuse to provide such services because a citizen has or is perceived to have AIDS, an AIDS-related condition or other life-threatening illness will be subject to disciplinary action.

CSF.7.3.3. EDUCATION AND TRAINING: The City of Olympia will assist all employees with education and training on AIDS and other life-threatening illnesses in an effort to maintain a healthy work environment. The Human Resources Department will be responsible for development of education and training programs and dissemination of educational material.

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CSF.7.3.4. INCREASED RISK: The City has established that certain employees may be at greater risk to come into contact with contagious life-threatening illnesses, including AIDS and AIDS-related illnesses. Accordingly, education and training on the prevention, transmission and treatment of contagious life-threatening or infectious illnesses will be provided to all law enforcement, correctional and fire service employees and all other employees who have direct contact with the public.

Such training may be a condition of continued employment when required for certificate or license renewal. Affected departments will develop and enforce operating procedures regarding use of safety equipment, prevention techniques and reporting requirements.

CSF.7.3.5. REFUSAL TO WORK PROHIBITED: Employees may not refuse to work with a co-worker who has or is believed to have AIDS, an AIDS-related condition or other life-threatening illness. Employees who have been informed of this guideline and continue to refuse to work will be subject to disciplinary action in accordance with appropriate City policies or contract provisions.

CSF.7.3.6. REPORTING OF EXPOSURE: Employees who suspect possible exposure to a contagious life-threatening illness or infectious disease during the course of employment should immediately advise their supervisor and complete reporting requirements. Employees may request assistance and advice regarding substantial exposure, testing and counseling. Requests for assistance may be referred to the Human Resources Department and will be strictly confidential.

CSF.7.3.7. CONFIDENTIALITY: All City employees are responsible to maintain confidentiality of information regarding the presence of AIDS, AIDS testing or any other medical condition, whether it involves a co-worker or member of the public.

CSF .7.4 WORKPLACE HARASSMENT: It is the City of Olympia's intent to provide a workplace free from all verbal, physical and visual forms of harassment. All employees and volunteers are expected to be sensitive to and respectful of their co-workers and others with whom they come into contact while representing the City of Olympia. We prohibit all forms of harassment, whether due to sex, sexual orientation, marital status, race, color, national origin, citizenship status, creed, religion, age, actual or perceived disability, political ideology, military service, or any other reason.

CSF.7.4.1. WORKPLACE HARASSMENT DEFINED: Examples of conduct that constitutes harassment the City of Olympia prohibits include, but are not limited to:

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- a. Epithets, slurs, negative stereotyping or threatening, intimidating, or hostile acts that are related to sex, sexual orientation, marital status, race, color, national origin, citizenship status, creed, religion, age, military service, actual or perceived disability or political ideology.
- b. Written or graphic material displayed, possessed, or circulated in any City workplace (including vehicles) that denigrates or shows hostility or aversion toward an individual or group because of their sex, sexual orientation, marital status, race, color, national origin, citizenship status, creed, religion, age, military service, actual or perceived disability or political ideology.
- c. Intimidating, hostile, derogatory, contemptuous or otherwise offensive conduct or remarks that are directed at a person because of that person's sex, sexual orientation, marital status, race, color, national origin, citizenship status, creed, religion, age, military service, actual or perceived disability or political ideology.
- d. Retaliatory behavior such as making slanderous or libelous statements, withholding communication, information, resources, employment benefits, or entitlements because of an individual or group's sex, sexual orientation, marital status, race, color, national origin, citizenship status, creed, religion, age, military service, actual or perceived disability or political ideology.

CSF.7.4.2. SEXUAL HARASSMENT DEFINED: Sexual harassment is defined as intimidating, hostile, derogatory, contemptuous or otherwise offensive conduct or remarks made because of sex, whether or not the remarks themselves are sexual in nature. The conduct or remarks may be directed at an individual, a group, or the work environment in general. Sexual harassment is also defined as unwelcome conduct of a sexual nature which is deliberate and/or repeated. Such behavior is prohibited if:

- a. Submission to such conduct is either a stated or suggested condition of employment;
- b. Acceptance or rejection of such conduct becomes part of a supervisor's employment decision (such as hiring, firing, promotion, or job assignment);
- c. Such conduct has the purpose or effect of interfering with a person's work; or
- d. The conduct creates an intimidating, offensive, or hostile work environment.

CSF.7.4.3. EXAMPLES OF SEXUAL HARASSMENT: With respect to sexual harassment, examples of the conduct we prohibit include but are not limited to:

- a. Vulgar or sexual comments, jokes, stories and innuendo.

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- b.** Graphic or suggestive comments about someone's body or manner of dress.
- c.** Gossip, questions, or comments about someone's sexual conduct or orientation.
- d.** Vulgarity, leering, inappropriate touching and obscene or suggestive gestures.
- e.** Display, possession, or circulation in the workplace of sexually suggestive photographs, cartoons, graffiti, e-mails and the like, or displaying, transmitting, or downloading of those types of inappropriate or offensive messages from the Internet.
- f.** Unwelcome and repeated pressure for sexual activity, flirtations, requests for dates and the like by any employee.
- g.** Unwelcome but apparently sanction-free sexual advances by a manager or supervisor to a subordinate or any other employee.
- h.** Solicitation or coercion of sexual activity, dates or the like by the implied or express promise of rewards or preferential treatment by any employee.
- i.** Solicitation or coercion of sexual activity, dates or the like by the implied or express threat of punishment by any employee.
- j.** Sexual assault.
- k.** Intimidating, hostile, derogatory, contemptuous or otherwise offensive conductor remarks that are directed at a person because of that person's sex, whether or not the remarks themselves are sexual in nature.
- l.** Retaliation against an employee for refusing sexual or social overtures, for complaining about sexual harassment, or for cooperating with the investigation of a complaint.
- m.** Stalking employees either on or off City premises or on or off work hours.

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CSF.7.4.4. EMPLOYEES RESPONSIBILITIES:

CSF .7.4.4.1. REPORTING HARASSMENT:

- a. Harassment, particularly sexual harassment, can be difficult to define. Misconceptions abound. For this reason, the City requires employees to use the City's harassment reporting policy without worrying about whether the conduct involved would be considered harassment in a legal sense. If an employee considers the conduct to be harassment or the behavior to be inappropriate, the employee must report it promptly to a supervisor, a department Director, the Human Resources Director, or the City Manager. This guideline is intended to assist the City of Olympia in addressing not only illegal harassment, but also any conduct that is offensive and inappropriate.
- b. The City of Olympia requires employees to report all incidents of harassment or inappropriate behavior as soon as possible. The City wants to provide employees with a pleasant and productive working environment, but can't do that if these issues are not brought to the City's attention. Please join the City in its efforts to make the City of Olympia an enjoyable place to work for all employees.
- c. If at any time an employee believes he/she is subjected to harassment, if any employee becomes aware of such conduct being directed at someone else, or if an employee believes another employee has received either more favorable or unfavorable treatment because of harassment, the employee must promptly notify a supervisor, a department Director, the Human Resources Director, or the City Manager. This applies to harassment or discrimination caused by anyone with whom an employee comes into contact as part of the employee's job: supervisors, co-workers, customers, vendors, members of boards or commissions, or others.
- d. Any employee who experiences or observes harassment, including sexual harassment, may, at his or her option, choose to confront and deal with the harassment to the best of his/her ability. However, no employee is required to do so under any circumstances. Even if an employee chooses to confront the situation directly, the harassment must still be reported to a supervisor, a department Director, the Human Resources Director, or the City Manager. This applies to harassment or discrimination caused by anyone with whom an employee comes into contact as part of the employee's job: supervisors, co-workers, customers, vendors, members of boards or commissions, or others.

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CSF .7.4.4.2. PROHIBITED CONDUCT: Employees are not permitted to have romantic or sexual relations with supervisors in their chain of supervision. A supervisor is defined as someone who has the authority or practical power to supervise, hire, terminate, or discipline an employee, who has decision making authority over an employee, or who is responsible for auditing, evaluating, or reviewing the work of an employee.

CSF.7.4.5. MANAGEMENT AND SUPERVISORY RESPONSIBILITIES:

- a. Management and supervisory personnel of the City are responsible for being aware of the potential for harassment within their work unit and ensuring a work environment free from all types of harassment, including sexual harassment.
- b. Because of the potential for miscommunication, effects on morale, abuses of authority, misunderstandings, and conflicts of interest, the City of Olympia does not permit supervisors to have romantic or sexual relations with any person within their chain of supervision. This prohibition applies to all employees who have the authority or practical power to supervise, hire, terminate or discipline another employee, who have decision making authority over another employee, or who are responsible for auditing, evaluating, or reviewing the work of another employee.
- c. When a supervisor or manager is confronted with a harassment complaint, he/she is required to:
 1. Inform their Department Director
 2. Inform the Human Resources Director
 3. Determine the nature and extent of the complaint.
 4. Co-ordinate with the Human Resources Director to determine the most appropriate and effective response to the complaint.
 5. Take appropriate action to correct the problem including disciplinary action if warranted.
- d. Department Directors and managers and supervisors in their chains of supervision are responsible for insuring that all employees and volunteers under their control receive training or are otherwise informed about and understand this Administrative Guideline.

CSF .7.4.5.1. INVESTIGATING REPORTED INCIDENTS: All investigations will be conducted under the following guidelines:

- a. All complaints will be kept confidential to the fullest extent possible. This means they will be disclosed only to witnesses and others as necessary to allow the City of Olympia to investigate and respond to the complaint, to management, and others as may be required by law.

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- b. All employees are expected to cooperate fully with investigatory proceedings and answer all questions truthfully and completely in an investigation. Anyone who the City of Olympia concludes has failed to cooperate fully, made evasive, misleading, inaccurate, incomplete, or false statements, or otherwise impeded an investigation in any way is subject to disciplinary action up to and including termination. The City of Olympia will take whatever action it deems necessary to prevent an offense from being repeated.
- c. The City of Olympia will not permit retaliation against anyone who makes a good-faith complaint or who cooperates in good faith in an investigation. Anyone who the City of Olympia concludes has engaged in retaliation is subject to disciplinary action up to and including immediate termination. Disciplinary action will depend on the gravity of the offense. The City of Olympia will take whatever action it deems necessary to prevent an offense from being repeated.

CSF .7.4.5.2. DISCIPLINARY ACTION: Anyone who the City of Olympia concludes has violated this harassment guideline is subject to disciplinary action up to and including immediate termination. Disciplinary action will depend on the gravity of the offense. The City of Olympia will take whatever action it deems necessary to prevent an offense from being repeated.

CSF .7.4.5.3. ASSISTANCE: Assistance in responding to any type of harassment complaint is available from the Human Resources Department.

CSF .7.4.5.4. TRAINING: All employees, regardless of employment category, (e.g. regular, temporary, emergency hire, seasonal worker, instructor, contract employee) are required to take City of Olympia sponsored Harassment Prevention Training. Volunteers are also required to attend.

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