



## COMPLIANCE WITH STATE AND FEDERAL DISCRIMINATION LAWS

### SECTION INDEX: Compliance with State and Federal Discrimination Laws

- 1 [Purpose](#)
- 2 [Application](#)
- 3 [Reference](#)
- 4 [Policy](#)
- 5 [Responsibility](#)
  - 5.1 [Employees](#)
  - 5.2 [Management](#)
- 6 [Administration](#)
- 7 [Guidelines](#)
  - 7.1 [Discrimination](#)
  - 7.2 [Americans with Disabilities Act](#)
    - 7.2.1 [Definition of Disability](#)
    - 7.2.2 [Grievance Procedure](#)
  - 7.3 [Workplace Harassment](#)
    - 7.3.1 [Workplace Harassment Defined](#)
    - 7.3.2 [Sexual Harassment Defined](#)
    - 7.3.3 [Examples of Sexual Harassment](#)
    - 7.3.4 [Employees Responsibilities](#)
      - 7.3.4.1 [Reporting Harassment](#)
    - 7.3.5 [Management and Supervisory Responsibilities](#)
      - 7.3.5.1 [Investigating Reported Incidents](#)
      - 7.3.5.2 [Disciplinary Action](#)
      - 7.3.5.3 [Assistance](#)
      - 7.3.5.4 [Training](#)

1. **PURPOSE :** To establish an integrated set of policies that provides direction to employees and management on how to comply with federal and state anti-discrimination and anti-harassment laws.

## Administrative Guideline – Compliance With State And Federal Discrimination Laws

- 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.
- 3. REFERENCE:** Further discussion of policy and guidelines pertaining to life-threatening illnesses can be found in Administrative Guideline, Employee Health Management Policy.
- 4. POLICY:** It is the policy of the City of Olympia to provide a work environment free of unlawful harassment and discrimination.
- 5. RESPONSIBILITY:**

  - 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 act of unlawful harassment or discrimination they have been subjected to, observed or that has been reported to them, to their supervisor or any management employee or to the Administrative Services Director. Every employee is expected to cooperate fully in any investigation of unlawful harassment or discrimination and to be truthful in their reporting as well as in their responses during an investigation. Employees are responsible for not only keeping up-to-date, but also understanding the City's anti-harassment and anti-discrimination policies.
  - 5.2 MANAGEMENT:** Management is responsible for stopping any act of unlawful harassment or discrimination that they become aware of and ensuring that it is not repeated. Managers are required to report any act of unlawful harassment or discrimination to the Administrative Services Director or his/her designee as well as actively participate in all aspects of the investigation and resolution of acts of unlawful 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 unlawful harassment and discrimination through training and on-going communication. Management employees are required to attend training related to prevention of and response to unlawful harassment and discrimination.
- 6. ADMINISTRATION:** The administration of this policy is the responsibility of Human Resources. The Administrative Services Director shall serve as the City "official" as called for in the specific anti-discrimination laws.

**7. GUIDELINES:**

**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 without regard to their age (over 40), sex, race, creed, color, national origin, religion, sexual orientation, marital status, military service, the presence of any physical, mental or sensory disability, or any other class status protected by federal, state, or local law. Human Resources is responsible for the development and implementation of a Workforce Diversity Program. The Workforce Diversity Program shall provide affirmative procedures to 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.

**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 disability discrimination. The City of Olympia will not unlawfully discriminate in the provision of employment services or in its employment practices to any applicant or employee. The City will provide reasonable accommodation to qualified individuals with disabilities to apply for, obtain, and hold positions of employment within the City.

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

**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.

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

A sensory, mental, or physical impairment that is medically cognizable or diagnosable, or a "disability" that may be temporary or permanent, common or uncommon, mitigated or unmitigated, or may limit an individual's ability to work generally or do their assigned job.

**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.

**7.3 WORKPLACE HARASSMENT:** It is the City of Olympia’s intent to provide a workplace free from all verbal, physical and visual forms of unlawful 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. The City prohibits all forms of unlawful harassment, whether due to sex, sexual orientation, marital status, race, color, national origin, citizenship status, creed, religion, age, actual or perceived disability, or any class status protected under federal, state, or local law.

**7.3.1 WORKPLACE HARASSMENT DEFINED:** Examples of conduct that constitutes unlawful harassment the City of Olympia prohibits include, but are not limited to:

- 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 other class status protected under federal, state, or local law.
- 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 other class status protected under federal, state, or local law.
- 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 other class status protected under federal, state, or local law.
- 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 other class status protected under federal, state, or local law.

**7.3.2 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, offensive conduct of a sexual nature which is severe and/or pervasive. 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.

**7.3.3 EXAMPLES OF SEXUAL HARASSMENT:** With respect to sexual harassment, examples of the conduct the City prohibits includes, but is not limited to:

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

## Administrative Guideline – Compliance With State And Federal Discrimination Laws

- 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 conduct or 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.

### **7.3.4. EMPLOYEES RESPONSIBILITIES:**

#### **7.3.4.1 REPORTING HARASSMENT:**

- a. Harassment, particularly sexual harassment, can be difficult to define. For this reason, the City requires employees to use the City's anti-harassment reporting policy without worrying about whether the conduct involved would be considered harassment in a legal sense.
- b. Any employee who experiences or observes harassment, including sexual harassment, may, at his or her option, choose to confront the harasser and deal with the harassment to the best of his/her ability. However, no employee is required to do so under any circumstances.
- c. If at any time an employee believes he/she is subjected to harassment, or if any employee becomes aware of such conduct being directed at someone else, the employee must report it promptly to a supervisor, a Department Director, Administrative Services Director, or Human Resources. If the employee feels uncomfortable reporting to the Administrative Services Director for any reason, or believes the Administrative Services Director is involved, the employee should report the harassment to the City Manager. The employee should report the harassment even if he/she believes that it has already been dealt with and resolved. This reporting obligation applies to harassment caused by anyone with whom an employee comes into contact

with as part of the employee's job: supervisors, co-workers, customers, vendors, members of boards or commissions, or others.

- d. 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 cannot 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.

### **7.3.5 MANAGEMENT AND SUPERVISORY RESPONSIBILITIES:**

- a. Management and supervisory personnel of the City are responsible for being aware of the potential for unlawful harassment within their work unit and ensuring a work environment free from all types of unlawful 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 Administrative Services Director.
  - 3. Cooperate in any investigation that is initiated regarding the complaint.
- 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 this Administrative Guideline.

#### **7.3.5.1 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.

- 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.

**7.3.5.2**      **DISCIPLINARY ACTION:** Anyone who the City of Olympia concludes has violated this 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.

**7.3.5.3**      **ASSISTANCE:** Assistance in responding to any type of harassment complaint is available from Human Resources.

**7.3.5.4**      **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.