



City of Annapolis
HUMAN RESOURCES DEPARTMENT

EMPLOYMENT NON-DISCRIMINATION POLICY

May 2015

EMPLOYMENT NON-DISCRIMINATION POLICY

The City of Annapolis is committed to creating a workplace that is free of all employment discrimination and harassment based upon, Race, Color, Religion, Sex, Age, Family Status, National Origin, Marital Status, Disability, Genetic Information Sexual Orientation, or Gender Identity. Such conduct, whether committed by employees, management personnel, vendors, citizens, members of the public or other non-employees, will not be tolerated. This policy governs conduct in the workplace and at all other work-related activities, such as business trips, and work-related functions. Employees should feel free to raise concerns and have those concerns addressed.

VIOLATION OF POLICY

Any person who violates this policy will be subject to discipline in accordance with federal and state laws and the City of Annapolis Code, and the City of Annapolis Rules and Regulations.

THE LAW - Federal and State Laws

Title VII of the Civil Rights Act of 1964, as amended, Title 20 of the Annotated Code of Maryland, which prohibit any kind of discrimination, based on Race, Color, Religion, Sex, Age, Family Status, National Origin, Marital Status, Disability, Genetic Information, Sexual Orientation, or Gender Identity.

I. ONE TYPE OF ILLEGAL EMPLOYMENT DISCRIMINATION PROHIBITED BY LAW IS HARASSMENT

- A. Harassment is a form of employment discrimination the violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA). Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 and older), disability, genetic information and gender identity.

Harassment becomes unlawful where:

1. Enduring the offensive conduct becomes a condition of continued employment, or
 2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would find intimidating, hostile or abusive.
- B. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.
- C. Petty annoyances, and isolated incidences (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.
- D. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.
- E. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- a. The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- b. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- c. Unlawful harassment may occur without economic injury to, or discharge of, the victim.

II. ANOTHER SPECIFIC FORM OF PROHIBITED EMPLOYMENT DISCRIMINATION IS SEXUAL HARASSMENT

- A. Sexual Harassment is defined as unwelcome sexual advancements, requests for sexual favors, and other verbal, physical, nonverbal or visual interaction or conduct of a sexual nature, or conduct based upon an individual's gender when:
 - 1. Submission to that conduct or communication is made either explicitly or implicitly a term or condition of employment; or
 - 2. Submission to or rejection of that conduct or communication is used as a basis for employment decisions affecting the employee, or
 - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- B. There are two types of Sexual Harassment: Quid Pro Quo and Hostile Work Environment:
 - 1. Quid Pro Quo (exchanges something for something): Submission to or rejection of sexual advances is used as a basis for employment decisions such as: pay increases, hiring or firing, promotions, and/or performance appraisals.
 - 2. Hostile Work Environment: Sexual comments, physical touching, displaying of objects that "unreasonably interfere" with work performance or create an "intimidating, hostile or offensive" work environment.

III. RESOLUTION PROCEDURES:

- A. **Steps to be taken by an Employee/Individual who feels he or she is a victim of employment discrimination or harassment:**

Unresolved conflicts and unpleasant working situations detract from our ability to serve the public. It is important that any issues of discrimination or harassment be identified and resolved promptly. Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should report harassment to management at an early stage in order to prevent its escalation.

Any employee who feels that she or he has witnessed or experienced harassment by a supervisor or senior management should discuss the matter immediately with the City's Office of Human Resources or the Employee Relations Administrator. The employee may file a complaint of discrimination alleging harassment with the City's Employee Relations Administrator.

Other government channels to be exhausted prior to any court action should include the following: Conflict Resolution/Mediation, the Maryland Commission on Civil Rights

(MCCR), and the Equal Employment Opportunity Commission (EEOC). Employees should be aware that there are legally mandated time limits, in some cases, that impact when a complaint must be filed.

B. Actions Employees Can Take to Improve the Work Environment:

Some harassment issues arise out of thoughtlessness or miscommunication, rather than intentional conduct, and thus can be avoided by developing a greater awareness regarding potentially offensive conduct and common communication errors:

Treat your fellow workers with respect.

Be aware that others may have different perspectives than you regarding what behaviors are appropriate, particularly with respect to such areas as touching, "personal space," and discussion of personal topics (for example, family, dating, relationships, race, religion, sex, weight and physical characteristics);

Be aware that others may interpret your conduct differently than you intend it, particularly if they do not know you that well. For example, a co-worker may interpret a kind considerate statement or act as evidence that you are genuinely attracted to her or him; and

If you feel the actions of a co-worker are offensive and inappropriate, you may tell her or him. Take her or him aside, explain what you find inappropriate and why. In many cases, you may find that the co-worker didn't realize you were offended or may have misinterpreted your actions. However, if you are not comfortable with approaching the co-worker directly, you are *not* required to do so.

C. Steps to be Taken by a Supervisor and Manager:

Any supervisor who witnesses or learns of harassment on any of the categories previously listed, should immediately report the incident to the City's Employee Relations Administrator. The necessity of reporting the offending conduct immediately cannot be stressed more strongly. It becomes more difficult to determine exactly what happened and to remedy a situation if an employee waits before raising the issue. A manager must respect the employees' dignity:

Listen: Give genuine support;

Reassure: Assure the employee that the City will take the complaint seriously; and

Explain: The City of Annapolis must investigate the complaint, even though the employee may not wish to pursue the complaint any further.

Appropriate disciplinary action will be taken against supervisors or managers who know of discrimination or harassment occurring and who fail to take prompt and appropriate action.

IV. INVESTIGATION POLICY

Once a complaint of employment discrimination has been reported, the matter will be referred to the City's Employee Relations Administrator for investigation. The type of investigation undertaken will depend on the nature of the complaint, which will normally involve interviews of the person(s) making the report, the person(s) accused of the conduct, and any necessary witnesses. Confidentiality will be maintained to the degree consistent with completing a full investigation of the reported conduct.

All employees are protected from retaliation as a result of reporting discrimination, or harassment or participating in an investigation of a complaint of discrimination or harassment. If an employee feels that she or he is being retaliated against because of a report or because of participation in the investigation, he or she must report this immediately to a supervisor, senior manager, or the City's Employee Relations Administrator. Also, if an employee feels that discrimination or harassment is continuing or starting again after discipline has been imposed or that retaliation is occurring because of the report or the discipline imposed, report this immediately to one of the persons named above.

V. POTENTIAL PENALTIES

Depending on the circumstances of each case and the seriousness of the offense, appropriate or corrective progressive disciplinary action, up to and including termination, will be taken if the investigation reveals that discrimination or harassment has occurred. In addition, the City may take corrective or disciplinary action in a situation where the investigation does not reveal illegal discrimination or harassment, but does reveal that the employee has engaged in conduct which is disruptive or inconsistent with the City's policies, goals or operations. Furthermore, the City may take corrective or disciplinary action in a situation where an employee has intentionally made false allegations of harassment against another individual. Progressive disciplinary action up to and including dismissal will be taken against those who retaliate or threaten to retaliate against any person who files a complaint or assists in the investigation of a complaint.

WHERE TO GO FOR HELP:

City of Annapolis
Human Resources Department
145 Gorman Street, 2nd Floor
Annapolis, Maryland 21401
(410)263-7998, HR@annapolis.gov

Equal Employment Opportunity Commission
Baltimore Field Office
City Crescent Building
10 South Howard Street, 3rd Floor
Baltimore, Maryland 21201
1-800-669-4000, TTY:1-800-669-6820
Fax: (410)962-4270, www.eeoc.gov

Maryland Commission on Civil Rights
6 St. Paul Street, 9th Floor, Suite 900
Baltimore, Maryland 21202
(410) 767-8600 or 1-800-637-6247
TTY: (410) 333-1737, www.mccr@maryland.gov

Department of Labor, Licensing & Regulations
500 North Calvert Street, #401
Baltimore, Maryland 21202
(410) 230-6001
www.dllr.state.md.us

U.S. Department of Labor (DOL)
200 Constitution Avenue, NW
Washington, D.C. 20210
1-866-487-2365
TTY: 1-877-889-5627, www.dol.gov