

CITY OF SPOKANE ADMINISTRATIVE POLICY AND PROCEDURE	ADMIN 0620-15-16 LGL 2006-0026
TITLE: DISCRIMINATION IN THE WORKPLACE EFFECTIVE DATE: MARCH 3, 1986 REVISION EFFECTIVE DATE: JULY 3, 2015	

1.0 GENERAL

1.1 The City of Spokane is legally required to adhere to personnel policies that are in accord with federal equal employment opportunity laws, executive orders, state laws and local ordinances forbidding illegal discrimination against employees. Employees have the right to work in an environment free from discrimination.

1.2 TABLE OF CONTENTS

- 1.0 GENERAL
- 2.0 DEPARTMENTS/DIVISIONS AFFECTED
- 3.0 REFERENCES
- 4.0 DEFINITIONS
- 5.0 POLICY
- 6.0 PROCEDURE
- 7.0 RESPONSIBILITIES
- 8.0 APPENDICES

2.0 DEPARTMENTS/DIVISIONS AFFECTED

- 2.1 This policy shall apply to all City departments and divisions.
- 2.2 The provisions of this policy do not supersede the provisions of any collective bargaining agreements or Civil Service rules, and when in conflict, the specific terms and conditions of the collective bargaining agreement or Civil Service rules will prevail.

3.0 REFERENCES

- 42 USC 2000e et. seq.
- RCW chapter 49.60
- SMC chapter 1.06

4.0 DEFINITIONS

- 4.1 "Discrimination" means different or unequal treatment on the basis of race, religion, color, national origin, sex (including pregnancy), sexual orientation or gender identity, marital status, age (40 or over), familial status, disability or genetic information or veteran/military status.

5.0 POLICY

- 5.1 It is the policy of the City of Spokane to maintain a work environment free of discrimination in any form, whether it is blatant or subtle. It is the responsibility of all employees of the City to help provide a work environment free of illegal discriminatory practices, intimidation or coercion.

5.2 Examples of Discrimination

- 5.2.1 Discrimination in employment occurs when an employer hires, promotes, disciplines, demotes or terminates an employee or makes any employment related decision solely or in part on the basis of that person's race, religion, color, national origin, sex (including pregnancy), marital status, sexual orientation or gender identity, age (40 or over), familial status, disability or genetic information or veteran/military status.

- 5.2.2 Examples of discriminatory behavior include but are not limited to racial and ethnic jokes, slurs, cartoons, gestures and other disrespectful comments directed at or about persons because of their race, religion, color, national origin, sex (including pregnancy), sexual orientation or gender identity, marital status, age (40 or over), familial status, disability or genetic information or veteran/military status.

5.3 Potential Liability of Employer

- 5.3.1 The City and individual employees can be held liable for discrimination.
- 5.3.2 The City may be liable for discrimination by supervisors regardless of whether or not the City is aware of the discrimination.
- 5.3.3 The City may also be liable for discrimination by employees against non-employees in the workplace if the City is or should be aware of the conduct and does not take corrective measures.

5.3.4 Supervisors may be personally liable for failure to take corrective action.

6.0 PROCEDURE

6.1 Responsibilities

6.1.1 Each employee is responsible for maintaining a work environment free of discrimination, including discrimination against a co-worker.

6.1.2 Managers and supervisors are responsible for taking prompt, appropriate corrective action whenever they know of or should know of conduct that could be considered discriminatory.

6.1.3 When the Human Resources Director is notified of discrimination, he or she is responsible for taking the action necessary to ensure that the discrimination stops and that appropriate disciplinary action is taken.

6.2 Complaint Procedure

6.2.1 A complainant is encouraged to use the City's complaint procedure to resolve discrimination complaints. Complaints may be made in writing or by any means accessible to the complainant. Complaint forms are available in the Human Resources Department and on the Human Resources I-share site. Complainants may also file with appropriate state and federal agencies such as:

State of Washington

Washington State Human Rights Commission; Rockpointe Plaza 3, 1330 North Washington Street, Suite 2460, Spokane, WA 99201, (509) 568-3196, TDD (800) 300-7575, Voice (800) 233-3247.

Federal Government

U.S. Equal Employment Opportunity Commission, 909 First Avenue, Suite 400, Seattle, WA 98104-1061, (206) 220-6883, TDD (206) 220-6882, FAX (206) 220-6911, Voice (800) 669-4000

Office of Federal Contract Compliance Programs, Districts IX & X, 71 Stevenson Street, Suite 1700, San Francisco, CA 94105, (415) 848-6969

6.2.2 Violations of this policy against discrimination will ideally be resolved at the lowest level, informally and effectively. All employees of the City of Spokane are encouraged to use the internal complaint procedure whenever it is believed that discrimination has occurred.

6.2.3 An employee exposed to discrimination may assertively tell the offending person that the conduct is unwelcome and must cease immediately.

6.2.4 If the above step 6.2.3 is not effective or feasible and the employee desires an internal resolution of the complaint, the process outlined below shall be followed:

a. The complainant should bring the issue to the supervisor's attention in a timely manner. If the supervisor is the one engaging in the discriminatory conduct, or the individual does not wish to tell the supervisor, the situation should be brought to the attention of that person's supervisor.

b. When supervisors are notified of alleged discrimination, they shall immediately:

1. Document and report the incident to the department head.
2. Investigate the complaint.
3. Take appropriate corrective action.
4. Forward the results of the investigation to the Human Resources Department.
5. Provide official findings and comments to the complainant, in writing, within ten (10) working days of receipt of complaint.

6.2.5 If the above step 6.2.4 is not effective, or if the complainant is not satisfied with the action taken, the issue must be brought to the attention of the Department Head within five (5) working days of receipt of the supervisor's response. The Department Head is responsible for further investigation and must respond in writing to the complainant within ten (10) working days of receiving the complaint. A copy of all correspondence shall be sent confidentially to the Human Resources Director.

6.2.6 Complaints may also be made directly to the Human Resources Director.

6.2.7 No individual will be retaliated against or otherwise adversely affected in employment as a result of making a discrimination complaint or for participating in a complaint investigation or as a result of being erroneously accused of discrimination.

6.3 Employee Rights

6.3.1 Employee rights are also protected through the remedies available under the Washington State Laws Against Discrimination, RCW 49.60, the U.S. Civil Rights Act of 1964, the Civil Rights Act of 1991, the Spokane Municipal Code Chapter 1.06, and other laws such as the Age Discrimination in Employment Act of 1967, the Pregnancy Discrimination Act of 1974 and the American with Disabilities Act of 1990, and other laws.

6.4 Employee Responsibilities

6.4.1 Employees are required to cooperate fully in the processing of the complaint. Employees may be allowed to be accompanied by a union representative or a person of comfort. If the employee chooses to have an attorney present, the cost of the attorney will be the sole responsibility of the employee.

6.5 Administration

6.5.1 When a violation continues, the Human Resources Department shall be consulted immediately. The Human Resources Department is to be notified of all discrimination complaints so that a record may be maintained as required by the Equal Employment Opportunity Commission.

7.0 RESPONSIBILITIES

The Human Resources Department shall administer this policy.

8.0 APPENDICES

Discrimination / Harassment Complaint Form

APPROVED BY:

Heather Lowe
HR Director

6.10.15
Date

C. L.
City Attorney

6/10/15
Date

Murray Sanders
City Administrator

6/18/15
Date