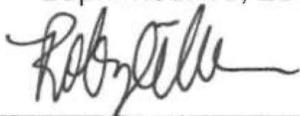




Human Resources Policies and Procedures

Policy Title: Employee Non-Discrimination	Policy Number: 2.2
Effective: September 10, 2018	
Approval: 	Page 1 of 5

1.0 Scope

- | | |
|--|---|
| <input checked="" type="checkbox"/> Full-time | <input checked="" type="checkbox"/> Union |
| <input checked="" type="checkbox"/> Part-time | <input checked="" type="checkbox"/> Independent Contractors |
| <input checked="" type="checkbox"/> Temporary/Contract | <input checked="" type="checkbox"/> Visitors, Vendors, Volunteers |
| <input checked="" type="checkbox"/> Non-Union | <input checked="" type="checkbox"/> Boards and Commissions |

Employees who are covered under the provisions of a collective bargaining agreement will follow the standards as contained in their respective contracts if this policy conflicts with the language in the contract.

2.0 Purpose

To reflect the City's zero-tolerance for discrimination. To outline prohibited conduct constituting harassment under this policy and in accordance with applicable State, Federal, and local laws. To outline the complaint process for reporting discrimination and to set forth guidelines for investigating and addressing violations of this policy.

3.0 Policy

The City of Ann Arbor is committed to maintaining a work environment free from discrimination based on any protected classification defined and otherwise prohibited by State, Federal and Local laws. In keeping with that commitment, the City of Ann Arbor will not tolerate unlawful discrimination of its employees or customers by anyone, including any manager, volunteers, co-worker, vendor, or customer of the City of Ann Arbor.

DISCLAIMER

The information contained in this Human Resources Policies and Procedures Manual supersedes all previous Human Resources rules, policies and administrative regulations. The manual is not legally binding and does not create a contract of employment, either express or implied. The City retains the right to modify, suspend, interpret or cancel any provision at any time, at the City's complete and sole discretion without prior notice.

3.1 Prohibited Conduct

- A. The City prohibits discrimination against any employee on the basis of a person's protected classification under state, federal or local law.
- B. Discrimination includes bias or prejudice based on a person's protected class, which results in an adverse employment impact, including, but not limited to, discipline, demotion, failure to hire or failure to promote.
- C. Retaliation, whether actual or threatened, against any complainant or witness, or anyone assisting in an investigation of a complaint, is expressly prohibited by this policy and may result in discipline up to and including termination of employment. An act of retaliation will be treated as a separate and distinct incident regardless of the outcome of the discrimination complaint.

4.0 Responsibility

4.1 Employees

- A. Any employee who experiences, witnesses or hears about conduct that violates this policy has a responsibility to report the incident immediately to Human Resources Services, a Service Area Administrator or his/her supervisor.
- B. All employees are expected to cooperate with any investigation. Failure to cooperate in an investigation or give truthful responses and accurate information in an investigation may result in disciplinary action up to and including termination of employment.

4.2 Supervisors, Managers, and Service Area Administrators Duties

- A. All supervisors, managers and Service Area Administrators are responsible for ensuring that no discrimination of any kind occurs or persists in the workplace. It is the responsibility of management to create an atmosphere free of unlawful discrimination, and to implement this policy within their area.
- B. The City and all supervisors, managers, and Service Area Administrators have a legal obligation to immediately report any suspected or identified discrimination to Human Resources. This

DISCLAIMER

The information contained in this Human Resources Policies and Procedures Manual supersedes all previous Human Resources rules, policies and administrative regulations. The manual is not legally binding and does not create a contract of employment, either express or implied. The City retains the right to modify, suspend, interpret or cancel any provision at any time, at the City's complete and sole discretion without prior notice.

duty exists even if: (i) no employee registers a complaint; (ii) the employee reporting discrimination requests that no investigation

occur; (iii) the employee reporting discrimination was not a direct or intended target of the discrimination; or (iv) the situation giving rise to the discrimination complaint has been resolved. Failure of management at any level to take such allegations seriously or failure to report such allegations to Human Resources Services shall be subject to disciplinary action, up to and including termination of employment.

- C. The City and all supervisors, managers, and Service Area Administrators have a legal obligation to immediately report any suspected or identified discrimination to Human Resources. This duty exists even if: (i) no employee registers a complaint; (ii) the employee reporting discrimination requests that no investigation occur; (iii) the employee reporting discrimination was not a direct or intended target of the discrimination; or (iv) the situation giving rise to the discrimination complaint has been resolved.

5.0 Procedures

5.1 Complaint and Reporting Process

- A. Discrimination or Retaliation Complaint - Any mention to a member of management of prohibited conduct that is suspected or perceived to be discrimination or retaliation constitutes a "complaint". This definition applies regardless of whether the information comes from the perceived victim or a witness, and regardless of whether the reporting party conveys that the conduct was inappropriate or not.
- i. Upon receiving a complaint, Human Resources will request that the employee complete a complaint form.
 - ii. Upon receipt of a complaint, an investigation by Human Resources with the guidance of the City Attorney's office will be promptly conducted and corrective action will be taken, if appropriate, to ensure uniform enforcement of this policy.
 - iii. The complaint, investigation, and identity of the witnesses will be kept confidential to the extent possible.

DISCLAIMER

The information contained in this Human Resources Policies and Procedures Manual supersedes all previous Human Resources rules, policies and administrative regulations. The manual is not legally binding and does not create a contract of employment, either express or implied. The City retains the right to modify, suspend, interpret or cancel any provision at any time, at the City's complete and sole discretion without prior notice.

- iv. To ensure the integrity of the investigation, employees will be instructed not to disclose details during an investigation. Failure to comply with this directive may be subject to discipline.

5.2 Corrective Action

- A. If the discrimination complaint is sustained, the Director of Human Resources and Labor Relations, or designee must determine the appropriate corrective action.
- B. Appropriate corrective action should include corrective counseling and/or other forms of discipline up to and including discharge. This determination will vary depending on: (i) the seriousness of the charge; (ii) the employee's disciplinary history, particularly with respect to related misconduct; and/or (iii) the likelihood that the proposed discipline will discourage future discrimination.
- C. All discipline for discrimination must be documented and placed in the employee's personnel file.
- D. A finding that an employee has violated this policy does not constitute an admission or finding by the City that the employee or the City has violated Federal, State or Local law.

5.3 Informing the Complainant of the Outcome

- A. Once a discrimination investigation is complete, all involved parties will be informed of the completion of the investigation.
- B. A letter of determination shall be issued to the complainant and subject. The complainant and subject are entitled to learn: (i) whether the charges were sustained; and (ii) if so, whether corrective action will ensue.
- C. Neither the complainant, nor any witnesses, will be provided with specific information regarding corrective action taken toward any employee.

DISCLAIMER

The information contained in this Human Resources Policies and Procedures Manual supersedes all previous Human Resources rules, policies and administrative regulations. The manual is not legally binding and does not create a contract of employment, either express or implied. The City retains the right to modify, suspend, interpret or cancel any provision at any time, at the City's complete and sole discretion without prior notice.

5.4 False Accusations and Information

In the event that after a full investigation of a complaint, the results of the investigation reveal that an employee knowingly filed a false complaint, or knowingly provided false information in the course of an investigation, this individual will be subject to discipline up to and including discharge in accordance with the appropriate applicable procedure and due process considerations.

DISCLAIMER

The information contained in this Human Resources Policies and Procedures Manual supersedes all previous Human Resources rules, policies and administrative regulations. The manual is not legally binding and does not create a contract of employment, either express or implied. The City retains the right to modify, suspend, interpret or cancel any provision at any time, at the City's complete and sole discretion without prior notice.