

City EEO plan
that's also used
by Police
Department

THE CITY OF PIQUA, OHIO
PERSONNEL POLICY AND PROCEDURE MANUAL

EQUAL EMPLOYMENT OPPORTUNITY

SECTION 2.01
PAGE 1 OF 2

A. POLICY

1. The City of Piqua is an Equal Opportunity Employer. No personnel decisions concerning any term or condition of employment shall be unlawfully based upon race, color, religion, sex, national origin, age, or disability.
2. The Human Resource Director is currently the Employer's EEO/ADA Coordinator. The EEO Coordinator is responsible for providing information regarding anti-discrimination employment laws to employees and others, and for reviewing and resolving complaints involving alleged discrimination not resolved by the Department Head.
3. The EEO Coordinator shall be responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. Department Heads and supervisors shall maintain responsibility for their actions in regard to offering equal opportunity to each department employee or job applicant and for attempting to resolve discrimination complaints within their respective departments not personally involving Department Heads.
4. Each Department Head and supervisor shall be responsible for ensuring equal employment opportunities are provided to employees within their respective departments.

5. No inquiry shall be made as to religious, or political affiliations or as to racial or ethnic origin of the applicant, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual. Disclosure of this information provided by the employee is a voluntary action on the applicant's part.

OCT 29 2001

Original Adoption Date: _____ Revision Date: _____

[REDACTED]

**THE CITY OF PIQUA, OHIO
PERSONNEL POLICY AND PROCEDURE MANUAL**

AMERICANS WITH DISABILITIES ACT

**SECTION 2.02
PAGE 1 OF 2**

A. POLICY

1. Employment: The Employer supports the intent and purposes of the Americans with Disabilities Act (ADA) and will not discriminate against qualified individuals with disabilities because of the disability of such individual in regard to job application procedures, hiring, advancement, discharge, compensation, job training and other terms, conditions and privileges of employment.
2. Accessible Features: The Employer shall maintain in operable working order all features of facilities and equipment which are for the use, benefit, aid or service of the public, in a manner which is readily accessible to and usable by persons with disabilities.
3. Accessible Facilities: Each service, program and activity shall be operated in a manner that, when viewed in its entirety, shall be readily accessible to and usable by individuals with disabilities.
4. Accessible Communications: The Employer shall ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others.
5. Information: The Employer shall ensure that all interested persons (including those with impaired vision or hearing) can obtain information on the existence and location of accessible services, activities and facilities.

6. Fundamental Alteration/Undue Burden: Notwithstanding the above commitments to accessibility, taking action to achieve accessibility is not required when it would result in a fundamental alteration in the nature of a service, program or activity, or cause undue financial and administrative hardships.
7. EEO Coordinator: The Equal Employment Coordinator (see Section 2.01) shall be responsible for:
- a. Providing information about the ADA to employees and others;
 - b. Receiving and resolving complaints involving non-accessibility of services, programs or facilities and alleged discrimination against disabled individuals.

B. PROCEDURE

1. Complaint/Comment Procedure: Complaints, comments or questions regarding:
 - a. Accessibility to any of the City's services, programs or facilities; or
 - b. Discrimination against individuals with disabilities; or
 - c. The City's compliance with the ADA;

Should be filed with the EEO Coordinator in accordance with Section 2.04 (B).

Original Adoption Date: OCT 29 2001 Revision Date: _____



**THE CITY OF PIQUA, OHIO
PERSONNEL POLICY AND PROCEDURE MANUAL**

SEXUAL HARASSMENT

**SECTION 2.03
PAGE 1 OF 7**

A. POLICY

1. The City of Piqua absolutely prohibits sexual harassment of employees at all levels by any person, in any form. It is both illegal and against the policy of the City for any person, including any supervisor, co-worker, vendor, or client of the City of Piqua, male or female, to sexually harass an employee. Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. No employee should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. The City will take preventative and immediate remedial steps to stop sexual harassment from occurring. The City will enforce a zero tolerance of sexual harassment which translates into a violation of this policy being a terminable offense.

B. DEFINITION OF SEXUAL HARASSMENT

1. Pursuant to the definition of sexual harassment provided by the Equal Employment Opportunity Commission, the City has identified three (3) situations in which unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment.

Those situations are the following:

- a. When submission to the conduct is an explicit or implicit or condition of employment;
 - b. When submission to or rejection of the conduct is used as the basis for an employment decision; or
 - c. When 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.
2. (A) and (B) above are commonly referred to as "quid pro quo" sexual harassment, in which acquiescence to sexual advances or some type of sexual consideration is required in exchange for a tangible job benefit. Quid pro quo harassment occurs when someone in a supervisory position relies upon his or her apparent or actual authority to extort sexual consideration from an employee. In addition, no one should imply or threaten that an applicant or employees "cooperation" of a sexual nature (or refusal thereof) will have any effect on the individual's employment, assignment, compensation, advancement, career development, or any other condition of employment.
3. (C) above is based on a hostile or offensive work environment even where there has been no conditioning of an employment benefit for sexual consideration. This type of sexual harassment may include, but is not limited to, explicit sexual propositions, sexual innuendo, suggestive comments, lewd or explicit sexual remarks, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, display of foul or obscene printed or visual materials, and physical contact

such as patting, pinching, or brushing against another's body.

The definition of sexual harassment includes conduct directed by an individual of either sex towards another member of either sex.

B. RESPONSIBILITY

1. Each supervisor and/or Department Head has the responsibility to maintain the job site free of harassment, including but not limited to, sexual harassment. This includes discussing this policy with all employees and assuring them they are not to endure insulting, degrading, or exploitative sexual or other harassment-related treatment. Management at each location will take appropriate measures to make non-employees (vendors, customers, citizens, etc.) on City premises aware of this policy.
2. It is the policy of the City of Piqua to discipline, up to and including discharge, any employee found to have engaged in sexual harassment.

C. COMPLAINT PROCEDURES

1. Any employee who believes that he or she witnessed or has been the subject of sexual harassment should report the alleged harassment immediately. All information disclosed shall be held in strictest confidence to the extent allowed by law, and otherwise will only be revealed on a need-to-know basis in order to investigate and resolve the matter. No employee will suffer any retaliation, reprisal, or intimidation as a result of using this internal complaint procedure.

Employees have the right to circumvent the employee chain of command in selecting which person to whom to make a complaint of sexual harassment, when the person to whom the employee is to report such conduct is the one accused of the alleged sexual harassment. Otherwise the employee is to follow the reporting procedure and make reports to the employee's immediate supervisor.

Step 1: Any employee who believes he or she has been the subject of harassment should report the alleged act immediately to his or her supervisor, Department Head, the EEO Coordinator, and/or the Human Resource Director.

Step 2: Regardless to which of the above persons the employee makes a complaint of sexual harassment, the individual alleging sexual harassment will be asked to complete a form outlining the nature of the complaint. This form is located in Chapter Nine of the City of Piqua's Personnel Policy and Procedures Manual:

That employee should be prepared to provide the following information:

- a. the employee's name;
- b. the name of the person or persons alleged to have committed the sexual harassment;
- c. the specific nature of the sexual harassment, how long it has gone on, and any employment action (demotion, failure to

promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;

- d. potential witnesses to the harassment; and
- e. whether the employee has previously reported such harassment and to whom.

Step 3: Investigation of a complaint will be conducted immediately upon receipt of a complaint of sexual harassment, and normally includes conferring with the parties involved and any named or apparent witnesses. All employees shall be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or assisting in an investigation.

Step 4: The City of Piqua's policy is to investigate all such complaints thoroughly and promptly. If the investigation reveals that the complaint is valid, prompt attention, and/or disciplinary action (up to and including immediate termination, designed to stop the harassment immediately and to prevent its recurrence will be taken. If the investigation facts reveal a possible criminal violation, the Chief of Police or designee will be contacted to determine whether the conduct constitutes a criminal offense.

D. OBLIGATIONS OF EMPLOYEES

1. Employees are not only encouraged to report instances of sexual harassment, they are obligated to report instances of sexual harassment. Sexual harassment may expose the City to liability, and a part of each employee's job is to reduce the City's exposure to liability.
2. Employees are obligated to cooperate in every investigation of sexual harassment, including but not necessarily limited to, coming forward with evidence, both favorable and unfavorable, to a person accused of sexual harassment, and fully and truthfully making a written report or verbally answering questions when required to do so by an investigator during the course of an investigation of sexual harassment.
3. Employees are obligated to refrain from filing bad faith complaints of sexual harassment. With respect to sexual harassment, the City of Piqua recognizes that determining whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect, requires an investigation of all facts in the matter. Given the nature of this type of discrimination, it is also recognized that false accusations of sexual harassment can have serious effects upon innocent individuals.
 - a. Disciplinary action may also be taken against any employee who fails to report instances of sexual harassment, or who files a complaint of sexual harassment in bad faith. Also, anyone who knowingly files a

complaint of sexual harassment in bad faith will be subject to criminal charges.

Original Adoption Date:

OCT 29 2001

Revision Date:





THE CITY OF PIQUA, OHIO
PERSONNEL POLICY AND PROCEDURE MANUAL

**EQUAL EMPLOYMENT OPPORTUNITY
ANTI-DISCRIMINATION COMPLAINT PROCEDURE**

**SECTION 2.04
PAGE 1 OF 2**

A. POLICY

1. Any person may file a complaint if they believe:
 - a. Another person has illegally discriminated against them under any local, state or federal anti-discrimination law (including a violation of the ADA or conduct involving sexual harassment); or
 - b. A City program, service or facility is not accessible to disabled individuals.

B. PROCEDURE

1. All complaints alleging illegal discrimination shall be filed on the EEO Complaint Form. The complaint shall be filed as soon as possible and within a reasonable period of time following the incident which gave rise to the complaint.
2. Complaints shall generally be filed with the EEO Coordinator, unless the complaint is against the Human Resource Director, then the complaint may be filed with the City Law Director. The EEO Coordinator, Law Director or their designee shall investigate all complaints and respond to the complainant as soon as the investigation is completed.
3. When reviewing complaints alleging a violation of the ADA, the EEO Coordinator, Law Director or designee will determine whether the complainant is a "qualified person with a disability," whether the Employer may have discriminated against the complainant, and if so, whether the Employer can "reasonably accommodate" the complainant or otherwise resolve their complaint.

4. Any employee who has been found by the Employer, after appropriate investigation, to have committed an act of illegal discrimination against another employee, job applicant, or other person will be subject to appropriate disciplinary action.
5. Non-employees found to have committed an act of illegal discrimination against an employee will be dealt with appropriately as allowed by law.
6. If any program, service or facility is found to be non-accessible to disabled individuals, the EEO Coordinator shall take appropriate steps to achieve accessibility according to the law.

Original Adoption Date: OCT 29 2001 Revision Date: _____