


HUMAN RESOURCES BULLETIN 21-02
(Replaces PSB 20-02)

TO: All City Employees

FROM: Aimee Maddera 
Chief Human Resources Officer

DATE: February 12, 2021

SUBJECT: Policy Prohibiting Discrimination, EEO-related Harassment, including Sexual Harassment, General Harassment, and Retaliation

I. PURPOSE

It is the policy of the City of Oklahoma City to prohibit all forms of unlawful discrimination, retaliation and harassment as well as any conduct deemed inappropriate for the workplace. (See Article 400 of the City of Oklahoma City Personnel Policies.) This Human Resources Services Bulletin provides procedures for reporting alleged policy violations and potential disciplinary consequences for substantiated violations. **It is the City's intent to administer this policy in a manner that promotes a work culture free of discrimination, retaliation, and harassment. Any employee conduct that is inconsistent with the spirit of this policy, regardless of the lawfulness of that conduct, shall be a violation of this policy.**

II. STATEMENT OF POLICY

The City is committed to a policy of nondiscrimination, nonretaliation and the provision of a work environment that is free from harassment. It is the policy of the City of Oklahoma City that:

- no person or employee shall benefit, be discriminated or retaliated against or harassed, in any manner inconsistent with the Constitution, federal or state statutes, the City Charter, ordinances, resolutions, policies, rules or regulations, and
- employment with the City will be free of conduct that can be considered discriminatory, abusive, disorderly, disruptive, or retaliatory.

Any employee conduct, whether intentional or unintentional, that results in discrimination or harassment (unlawful or otherwise) of other employees with regard to race, color, religion, sex (including pregnancy, sexual orientation, and gender identity and/or expression), national origin, age (40 or older), disability (mental or physical) and genetic information (including family medical history), also known as equal employment

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opportunity (EEO) considerations (“EEO Considerations”), is strictly prohibited. (See Article 400 of the City of Oklahoma City Personnel Policies.)

III. DISCRIMINATION

Unlawful discrimination can occur where decisions regarding hiring, promotion, job assignment, discharge, layoff, discipline, training, compensation, or other terms or conditions of employment, are made based on EEO Considerations. Employment decisions shall be made on the basis of knowledge, skill, ability, qualifications, job performance, and needs of the City.

Unlawful discrimination may also be found where conduct toward an employee is based upon the employee's membership in a protected class, and is so severe and/or pervasive, that it interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Unlawful harassment, a form of employment discrimination, is unwelcome conduct that is based on EEO Considerations. 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 could reasonably be considered intimidating, hostile, or abusive.

Sexual harassment is a form of unlawful discrimination. There are two legal definitions of unlawful sexual harassment:

1. Quid pro quo harassment occurs when offers of tangible employment actions (such as hiring, promotion, job assignment, training or compensation) are made, either explicitly or implicitly, and conditioned on the submission to unwelcome sexual advances and/or requests for sexual favors; or a tangible employment action (such as discharge, discipline, job assignment) is taken against an employee who refuses unwelcome sexual conduct because of the employee's refusal.
2. Hostile environment harassment occurs when unwelcome verbal or physical conduct of a sexual nature is so severe or pervasive that it unreasonably interferes with a term or condition of employment or creates an intimidating, hostile, or offensive working environment.

Sexual harassment can occur between a supervisor and employee, between employees, and between employees and non-employees (e.g., residents, contract laborers, vendors, etc.).

Sexual harassment can occur between individuals of the same or different sexual orientation, gender, gender identity and/or expression.

Employees in a “romantic,” sexual or domestic relationship are prohibited from being in a position where one would have the authority to supervise, appoint,

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remove, discipline, evaluate the performance, or otherwise influence the employment of the other. Such relationships are expressly prohibited between supervisors and employees they supervise or who are otherwise in their chain of command. Any employee involved in such a relationship with another employee is required to immediately report such relationship to the department's Equal Employment Opportunity Officer (EEO Officer), division head, department director, or the Labor Relations Division of the Human Resources Department. Management reserves the right to terminate the work relationship between the employees in any manner, including dismissal of one or both of the employees.

Unlawful discrimination and related harassment are strictly prohibited.

Any employee conduct of a discriminatory and/or harassing nature based on EEO Considerations is strictly prohibited, regardless of unlawfulness.

General harassment unrelated to EEO Considerations is also strictly prohibited. (See Article 400, Section 402 of the City of Oklahoma City Personnel Policies.) Such harassment is unwarranted, unwanted verbal or non-verbal conduct, which is abusive, obscene, threatening, insulting to another person, or otherwise inappropriate for the workplace, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading or hostile environment, or interferes with or adversely affects an employee's performance.

IV. RETALIATION

Retaliation is a materially adverse action taken against an employee for bringing a complaint of, or participating in an investigation related to, discrimination, EEO-related harassment, sexual harassment, or harassment in general. A materially adverse action is anything that might well deter an employee from engaging in protected activity. All employees are prohibited from engaging in retaliatory conduct, and any such conduct will be grounds for disciplinary action, up to and including termination.

V. COMPLAINT PROCEDURES

1. All Department Directors must designate a primary person(s) to receive and investigate complaints, issue fact-finding reports and act as liaison with the Human Resources Department on all EEO matters. All Departments shall insure that employees are informed of the designated EEO officer and the procedure for filing a complaint of any form of discrimination, retaliation or harassment.
2. Any employee who believes they have been subjected to any form of discrimination, retaliation or harassment must immediately report such activity to any of the following: their department or division EEO officer; non-involved supervisor; division head; Department Director; or directly to the Labor Relations Division of the Human Resources Department.

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3. Any supervisor or employee desiring to file a discrimination, retaliation or harassment complaint directly with the Labor Relations Division may do so by calling (405) 297-2567 twenty-four (24) hours a day, seven (7) days a week. Complaints may be made anonymously, if so desired.
4. Any EEO officer, supervisor, division head, or Department Director or above having knowledge of, or information regarding discriminatory, retaliatory or harassing conduct, is required to immediately notify the Labor Relations Division of the Human Resources Department regardless of how the information was obtained (e.g. verbal or written complaint, direct observation, overhearing conversations, information from noninvolved persons, etc.).
5. The Labor Relations Division will immediately initiate a **confidential** investigation. The complainant, any relevant witnesses and the respondent (accused party) will normally be interviewed during the course of the investigation. The investigators will then prepare and submit a report containing findings of facts and recommendations for action to the respondent's and/or complainant's Department Director as appropriate and/or the City Manager. This report is considered to be a Human Resources Investigation and is **not** subject to the Oklahoma Open Records Act.

Investigators will attempt to protect the privacy of individuals involved and maintain confidentiality. Employees interviewed during the course of an investigation are required to maintain the confidentiality of the investigation and failure to do so will be considered a violation of this policy.

6. The results of the investigation will be communicated to both the complainant and the respondent (person accused) of discrimination, retaliation or harassment by a representative of the Labor Relations Division.

NOTE: Employees have the right to make a complaint of discrimination, retaliation, EEO-related harassment or sexual harassment with the State Office of Civil Rights Enforcement, the Equal Employment Opportunity Commission, or with a court of law. This policy does not restrict the rights of employees secured by the laws of the State of Oklahoma or the United States.

VI. TRAINING

The City of Oklahoma City's Human Resources Department offers classroom nondiscrimination and anti-harassment training on a quarterly basis. All employees are required to complete the online or in-person version of this training within the first thirty days of employment. Employees may enroll in the course on the City intranet site or by contacting the Labor Relations Division of the Human Resources Department at 297-2410. All personnel are required to complete the training on an annual basis. Additional on-site training is available at the request of the department or division head. Each department is

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responsible for maintaining employee training records of nondiscrimination and anti-harassment training.

VII. DISCIPLINARY ACTION

Any employee found in violation of this policy, or who provides false information in the complaint or investigation procedures, is subject to corrective action, including disciplinary action. Disciplinary action may include any range of discipline, up to and including termination.

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