

Columbus Police Division Directive	EFFECTIVE	NUMBER
	Apr. 30, 1999	8.08
	REVISED	TOTAL PAGES
	Sep. 30, 2014	4
<b>Equal Employment Opportunity, Nondiscrimination, and Americans with Disabilities Act</b>		



## I. Introduction

- A. Division policy as well as various Federal, State, and City laws and executive orders prohibit discrimination, harassment, and retaliation.
- B. The citywide policies and procedures stated in the Mayoral Executive Orders relating to Equal Employment Opportunity (EEO), sexual harassment, and discrimination of persons with disabilities should be consulted and followed accordingly.
- C. The following **resources** are available to assist any Division employee having an EEO, sexual harassment, **Genetic Information Nondiscrimination Act (GINA)**, or Americans with Disabilities Act (ADA)/disability issue or concern.

**Human Resources Bureau**  
**Human Resources (HR) Manager**  
**Central Police Headquarters - 7th Floor**  
**614-645-4660**

**City of Columbus EEO Office**  
Department of Human Resources  
Office of Equal Employment Opportunity  
**77 N. Front Street, Suite 101**  
Columbus, Ohio 43215-9005

**Ohio Civil Rights Commission**  
Columbus - Regional Office  
Rhodes State Office Tower  
30 East Broad Street, **5<sup>th</sup>** Floor  
Columbus, Ohio 43215-3414

**Equal Employment Opportunity Commission**  
District Office  
Anthony J. Celebrezze Federal Building  
1240 East 9<sup>th</sup> Street, Suite 3001  
Cleveland, Ohio 44199-2001

## II. Definitions

- A. Sexual harassment is any unwanted sexual advance, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  2. Submission to or rejection of such conduct is used as the basis for decisions affecting that individual with regard to employment (such as raises, work assignments, discipline, etc.); 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 work environment.
- B. Sexual harassment may be verbal or physical in nature. Prohibitions against sexual harassment apply regardless of the sex of the persons involved.
1. Verbal sexual harassment may include:
    - a. Sexual innuendo, comments, and sexual remarks about clothing, body, or sexual activities.
    - b. Humor and jokes about sex that denigrate **males or females** in general.
    - c. Sexual propositions, invitations, or other pressure for sex.
    - d. Implied or overt threats of a sexual nature.
    - e. Making gestures of a sexual nature.
  2. Physical sexual harassment may include:
    - a. Unwelcome touching, patting, pinching, brushing against the body, attempted or actual kissing or fondling, and any other inappropriate and/or unwelcome touching or feeling.
    - b. Coerced sexual intercourse or other sexual acts or misconduct.
    - c. Sexual assault.
  3. Other types of sexual harassment may include:
    - a. Displaying sexually suggestive photographs or literature in the workplace.
    - b. Making degrading insults about **males or females** in general.
  4. Although sexual harassment often takes place when the alleged harasser is in a position of power or influence (such as supervisor to supervisee), other types of harassment are also possible (such as coworker sexual harassment).
- C. A qualified individual with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- D. A reasonable accommodation is one that does not require the employer to lower quality or quantity standards or to make an accommodation that would impose an undue hardship on the operations of the workplace. Reasonable accommodations may include:

1. The modification of existing facilities used by employees to make the facilities readily accessible to and usable by a qualified individual with a disability.
2. The modification of the manner or circumstances under which a job is customarily performed so as to enable a qualified individual with a disability to perform the essential functions of that position.

#### **E. GINA**

***This law prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law.***

### **III. Policy Statements**

- A. Discrimination in employment with regard to race, color, religion, sex (including sexual harassment), national origin, disability, ancestry, age, genetic information, sexual orientation, or military status is prohibited.
- B. Any conduct, whether verbal or physical, that is unwelcome and so severe or pervasive as to materially affect an individual's terms or conditions of employment is prohibited.
- C. While the Division cannot dictate how a person must feel about another individual or group and may not be able to change negative attitudes, it does insist on proper behavior on the part of its employees toward both the public and other employees.
- D. The Division shall work toward and give full support to all efforts that lead to the achievement of harmony within the Division.
- E. All employees of and applicants to the Division of Police shall be entitled to an equal employment opportunity. Division personnel shall not illegally discriminate in employment practices or harass another person on the basis of race, color, religion, sex (including sexual harassment), national origin, disability, ancestry, age, genetic information, sexual orientation, or military status.
- F. Allegations of discrimination shall be fully investigated, and those assigned to such investigations shall be accountable for their accuracy and integrity.
- G. Any Division employee who believes that he or she has been discriminated against in violation of the City EEO policies, including sexual harassment, should promptly report the incident to:
  1. ***The Division's HR Manager,***
  2. ***His or her*** immediate supervisor or any supervisor, or
  3. The ***City's*** EEO Office.
- H. Any Division supervisor receiving notification of an alleged incident of discrimination (including sexual harassment) shall immediately forward a letter detailing the alleged discrimination through the chain of command to

the appropriate deputy chief. The involved deputy chief shall immediately notify the Internal Affairs Bureau (IAB) of the allegation.

- I. Upon notification of an alleged incident of sexual harassment or discrimination, IAB shall immediately notify the EEO Office.
- J. Division personnel shall not directly or indirectly harass or retaliate against an employee who files or proposes to file, witnesses, supports, and/or opposes a sexual harassment or discrimination complaint.

#### IV. Procedures

##### A. Requesting a Reasonable Accommodation

###### 1. Requesting Employee

- a. Obtain an ADA Request for Reasonable Accommodations packet from the Division's HR Manager. The forms are also available on the City of Columbus intranet.
- b. Complete the Employee Accommodation Request Form and return it to the Personnel Unit.
- c. Provide a copy of your current job description to the attending physician.
- d. Complete Section 1 of the Documentation of Disability Form and have your attending physician complete Section 2.
- e. Submit the completed Documentation of Disability Form to the Personnel Unit.

Note: The Request for Reasonable Accommodations packet contains medical information which is confidential.

###### 2. HR Manager

- a. Assist the employee as needed.
- b. Ensure that medical documents and requests for medical information forwarded to an employee's health care provider include the GINA Safe Harbor language.**
- c. Upon receipt of the completed packet, review the request for accuracy and completeness and forward it to the Department of Public Safety Human Resources Office for consideration and action.
- d. Maintain a copy of the request in the Employee Benefits Unit.