

Columbus Police Division Directive	EFFECTIVE	NUMBER
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Equal Employment Opportunity, Discrimination/ Harassment, and Americans with Disabilities Act		



I. Introduction

- A. It is the policy of the City of Columbus to provide equal employment opportunity in City government in recognition of the essential rights of all qualified applicants and employees; to prohibit discrimination in employment with regard to race, color, religion, sex (including sexual harassment), national origin, disability, ancestry, age, genetic information, sexual orientation, gender identity or expression, or military status; to identify or eliminate barriers to the employment of qualified persons; and to promote equal opportunity with respect to hiring, promotion, terms, conditions, or privileges of employment in each department and division of City government.
- B. The Division of Police strictly prohibits discrimination and harassment based on race, color, religion, sex (including sexual harassment), national origin, disability, ancestry, age, genetic information, sexual orientation, gender identity or expression, or military status.
- C. The City-wide policies and procedures stated in the Mayoral Executive Orders relating to Equal Employment Opportunity (EEO), sexual harassment, prohibiting discrimination of persons with disabilities, supporting nursing mothers, and workplace violence can be found on the City's intranet.
- D. All personnel, regardless of position or rank, are covered by and are expected to comply with the City-wide policies and those outlined in this directive. Division personnel are expected to take appropriate measures to ensure that prohibited conduct does not occur.
- E. The following resources are available to assist any Division employee.
 - Division of Police, Human Resources Bureau
 - Human Resources (HR) Manager
 - Central Police Headquarters, 7th Floor
 - 614-645-4660

***Assistant Director - EEO Compliance
Department of Public Safety
77 North Front Street, 5th Floor Room 540
Columbus, Ohio 43215
614-645-8210***

City of Columbus, Equal Employment Resources (EER)
Department of Human Resources
Equal Employment Resources Manager
77 N. Front Street, Suite 101
Columbus, Ohio 43215-9005
Office 614-645-3105
Mobile 614-900-5811
EER@columbus.gov

Ohio Civil Rights Commission
Columbus Regional Office
Rhodes State Office Tower
30 East Broad Street, 5th Floor
Columbus, Ohio 43215-3414
614-466-2785 or 1-888-278-7101

Equal Employment Opportunity Commission
District Office
Anthony J. Celebrezze Federal Building
1240 East 9th Street, Suite 3001
Cleveland, Ohio 44199-2001
1-800-669-4000

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. Harassment is any verbal, non-verbal, or physical conduct designed to threaten, intimidate, or coerce an employee. The following are examples of harassment, but are not exclusive when determining whether there has been a violation of this directive.
- 1. Verbal harassment includes comments that are offensive or unwelcome regarding a person's race, color, religion, sex, national origin, disability, ancestry, age, genetic information, sexual orientation, gender identity or expression, or military status.
 - 2. Nonverbal harassment includes physical, threatening or intimidating, coercive or abusive behavior based on a person's race, color, religion, sex, national origin, disability, ancestry, age, genetic information, sexual orientation, gender identity or expression, or military status.
- D. 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.
- E. 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.

F. Genetic Information Nondiscrimination Act (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. Division personnel shall report complaints or observed behaviors of discrimination and harassment immediately.
- B. Division personnel shall not commit or permit discrimination, harassment, or retaliation of any kind. Division personnel shall seek to prevent or correct this behavior. Division supervisors shall ensure complaints are taken seriously, respond to them immediately, and discipline behavior that violates policy.
- C. Division supervisors have an independent obligation to promptly address discrimination and harassment concerns raised by Division personnel and report through the appropriate channels.
- D. Division personnel may report complaints of discrimination or harassment to the Ohio Civil Rights Commission or the Equal Employment Opportunity Commission.
- E. Allegations reported to the Division shall be fully investigated, and those assigned to conduct such investigations shall be accountable for their accuracy and the integrity of the investigation.
 - 1. ***Upon completion of all investigations alleging discrimination against a member protected by the rights outlined in the City Charter, the Division shall forward a copy of the completed investigation to the Assistant Director - EEO Compliance.***
- F. The Division will handle all complaints promptly and confidentially to the extent possible in light of the need to take appropriate corrective action. Lodging a complaint will in no way be used against the employee or have an adverse impact on the individual's employment status.
 - 1. However, knowingly filing false or malicious complaints is an abuse of this policy and will be treated as a violation.
- G. Confidentiality should be maintained by the Division and those involved in the investigation as much as possible.
- H. Division personnel are prohibited from retaliating or attempting to retaliate in response to a complaint being filed in accordance with this policy. This includes personnel who file or respond to a complaint, appear as a witness, or serve as an investigator of a complaint.
- I. Division personnel shall receive training on this policy annually. Contact the HR Manager if questions arise.
- J. Appropriate disciplinary action, up to and including termination, shall be taken against any employee who violates this directive.

IV. Procedures

A. Discrimination, Harassment, EEO, and Retaliation Complaints

1. Division Personnel (Complainant)

a. Promptly report the incident to **one of the following:**

(1) A supervisor,

(2) The HR Manager,

(3) **The Department of Public Safety's Assistant Director - EEO Compliance, or**

(4) The City's EER Manager

Note: For all complaints reported to a supervisor or HR Manager, follow the procedures listed within this directive. For all complaints reported to the City's EER Manager or the Assistant Director - EEO Compliance, follow the instructions provided by those offices.

2. Division Supervisor

a. Immediately notify the HR Manager and the involved deputy chief via email or phone.

b. Forward a letter of information via email directly to the HR Manager.

3. HR Manager

a. Request the complainant complete the City's Discrimination Complaint Form.

b. Discuss resolution options with the complainant, for example, individual resolution, mediation, or administrative investigation.

(1) Forward the completed form to the City's EER Manager.

(2) If the complaint involves sworn personnel, forward the complaint information to Internal Affairs Bureau (IAB) for mediation or investigation.

(3) If the complaint involves civilian personnel, consult with the Administrative Subdivision Deputy Chief who will decide if the investigation will be completed by IAB or the HR Manager.

c. Within three business days of receiving notification of a complaint, ensure a letter of information is forwarded to the Administrative Subdivision Deputy Chief.

(1) Notify the involved deputy chief and commander of the complaint.

d. Consult with the Administrative Subdivision Deputy Chief regarding relief of assignment.

e. Upon completion of the investigation, meet with the involved personnel to discuss the outcome of the investigation and steps to move forward.

4. Administrative Subdivision Deputy Chief
 - a. Forward the letter of information to IAB for investigation.
 - b. Determine the need for relief of assignment in consultation with the HR Manager.
 5. Chain of Command
 - a. Review the completed investigative package.
 - b. Recommend a finding for each allegation consistent with the evidence and the appropriate corrective action or discipline when there is evidence of misconduct.
 - c. If it is determined there was no violation of policy or a not sustained allegation, notify the HR Manager who may then recommend preventive action.
 6. Personnel Involved in Complaint
 - a. Once the complaint has been filed, any involved party may request a status update on the investigation by contacting the HR Manager.
 7. Personnel Wishing to Appeal
 - a. Forward an appeal letter through the chain of command to the subdivision deputy chief within 14 day calendar days after receiving notification of a complaint disposition.
 - b. Include in the letter the basis for the appeal and any relevant information not covered in the investigation.
- B. Making a Complaint of Workplace Violence
1. Division Employee
 - a. Notify a Division supervisor.
 - b. Complete the City's Incident/Occurrence of Workplace Violence form and forward it to the Division's HR Manager within two business days of the incident.
- C. Requesting a Reasonable Accommodation in Accordance with the Americans with Disabilities Act (ADA)
1. Requesting Employee
 - a. Obtain an ADA Request for Reasonable Accommodations packet from the Division's HR Manager.
- Note: The forms are also available on the City of Columbus intranet. If obtained from the intranet, make contact with the Division's HR Manager for completion instructions.
- b. Complete the Employee Accommodation Request Form and return it directly to the HR Manager.
 - c. Provide a copy of your current job description to the healthcare provider.
 - d. Complete Section 1 of the Documentation of Disability Form and return it directly to the HR Manager. Have your attending healthcare provider complete Section 2.

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 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 accordance with the ADA.