

City of Topeka Policy

No Discrimination or Harassment

NO DISCRIMINATION OR HARASSMENT POLICY

Purpose: To establish a policy on maintaining a work environment that is free from discrimination and harassment.

Applicability: To all city employees.

Effective Date: March 1, 2006

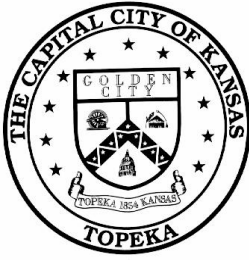
1. DEFINITIONS

A. Discrimination – for all purposes includes, but is not limited to, treating an employee differently because of his or her race, sex, religion, color, national origin, age, disability, or any other factor protected by law, in connection with the terms and conditions of employment, including but not limited to, decisions relating to hiring, promotions, merit increases, discipline, compensation, and discharge from employment with the City. Discrimination does not occur, however, when an employee is treated differently than another employee for legitimate, business-related reasons.

B. Harassment - for all purposes includes, but is not limited to, offensive language, jokes, or other verbal, graphic or physical conduct relating to an employee's race, sex, religion, color, national origin, age, disability, or other factor protected by law, which would make the reasonable person experiencing such harassment uncomfortable in the work environment or which could interfere with the person's job performance.

2. PURPOSE

The City of Topeka is committed to maintaining a work environment that is free from discrimination and harassment where employees at all levels of the City are able to devote their full attention and best efforts to the job. Discrimination and harassment, either intentional or unintentional, have no place in the work environment. Accordingly, the City does not authorize and will not tolerate any form of discrimination or harassment of or by any employee (e.g., supervisory or non-supervisory) based on race, sex, religion, color, national origin, age, disability, or any other factor protected by law.



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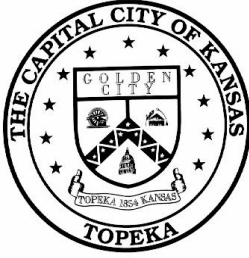
3. STATEMENT

A. SEXUAL HARASSMENT

1. The prevention and elimination of sexual harassment is of special concern to the City. Sexual harassment includes: (a) physical assaults or physical conduct that is sexual in nature; (b) unwelcome sexual advances or comments or requests for sex or sexual activities linked to one's employment or advancement, regardless of whether they are based on promises or threats; (c) sexual displays or publications such as calendars, cartoons or graffiti; (d) other verbal or physical conduct of a sexual nature that has the purpose or effect of interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment; or (e) retaliation for complaints of harassment. The City regards all such pervasive conduct as creating a hostile and offensive work environment in violation of this policy, regardless of whether submission to such conduct is made either explicitly or implicitly a term or condition of employment. Examples of sexual harassment include sexual propositions, sexual innuendo, sexually suggestive comments, sexually-oriented "kidding," "teasing" or "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another's body; or reading or otherwise publicizing in the work environment materials that are sexually suggestive or revealing.

B. RACIAL AND RELIGIOUS HARASSMENT

1. Racial, religious, or national origin harassment deserves special mention as well and is expressly prohibited by this policy. Racial, religious, or national origin harassment includes any verbal, written, or physical act in which race, religion, or national origin is used or implied in a manner that would make a reasonable employee uncomfortable in the work environment or that would interfere with the employee's ability to perform the job. Examples of racial, religious, or national origin harassment include jokes that include reference to race, religion, or national origin; the display or use of objects or pictures that adversely reflect on a person's race, religion, or national origin; or use of language that is offensive due to a person's race, religion, or national origin.



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C. PHYSICAL DISABILITY DISCRIMINATION

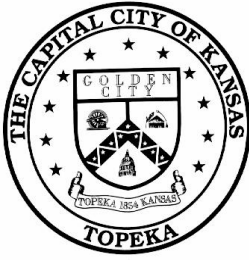
1. The City prohibits discrimination against employees with disabilities (as that term is defined under the Americans with Disabilities Act and state law). To this end, the City will provide a disabled employee with a reasonable accommodation to enable the employee to perform the essential functions of his or her job if the accommodation does not cause an undue hardship on the City. It is incumbent on the employee to request a reasonable accommodation for a disability by contacting the Human Resources Department at 368-3867 and requesting an accommodation for his or her disability.

D. REPORTING PROCEDURE

1. The City cannot resolve matters that are not brought to its attention. Any employee, regardless of position, who has a complaint of or who witnesses discrimination or harassment at work by anyone, including supervisors, managers, employees or even non-employees, has a responsibility to immediately bring the matter to the City's attention.
2. To bring instances of discrimination or harassment to the City, an employee must report the discrimination or harassment to his or her immediate supervisor. If the complaint involves someone in the employee's direct line of supervision, then the employee should notify another supervisor or bring the complaint to the next level of management. **Regardless of the complainant's department, every supervisor has a duty to immediately notify Human Resources of any complaint lodged in respect to this policy.** An employee always has the option of reporting the complaint directly to Human Resources. Additionally, employees may bring complaints after regular working hours to the Director of Human Resources by calling the emergency numbers below for Emergency Contact Information.
3. Nothing contained herein shall abrogate an employee's ability to seek redress from any other entity.

E. INVESTIGATION PROCESS

1. The City will thoroughly and promptly investigate all claims of discrimination and harassment. The City will maintain the confidential



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nature of complaints except, as disclosure is required in subsequent disciplinary, civil or criminal proceedings. Human Resources will conduct all investigations regarding this policy, and/or shall provide oversight to the investigative process. If an investigation confirms that discrimination or harassment has occurred, the City will take corrective action, including such discipline up to and including immediate termination of employment, as appropriate. Claims of assault or battery, or the threat thereof, if proven, will result in corrective action, up to and including termination. At the conclusion of the investigation, the City will again meet with the complaining employee and will report that an investigation was completed and, if the City found evidence of discriminatory or harassing conduct, that appropriate discipline was taken. If it is determined that an employee intentionally provided false information regarding a complaint, disciplinary action may result.

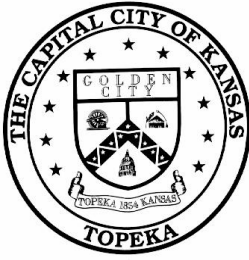
F. PROTECTION AGAINST RETALIATION

1. The City will not tolerate adverse treatment of employees because they report harassment or discrimination or provide information related to such complaints. The City will undertake whatever measures are necessary to ensure that retaliation does not occur. Employment decisions affecting an employee who has filed a complaint shall not be based on retaliatory motives.
2. If you believe that the City has not met its obligations under this policy, you should contact the Director of Human Resources at 785-368-3867. An effective No Discrimination or Harassment Policy depends on all of us, working together, to address this very important subject.

THIS POLICY SPECIFICALLY REPEALS AND REPLACES PRIOR CITY POLICIES AND ADMINISTRATIVE MEMORANDA REGARDING DISCRIMINATION, HOSTILE WORK ENVIRONMENT, AND SEXUAL HARASSMENT.

Approved:

Neil Dobler, Acting City Manager
February 15, 2006



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EMPLOYEE ACKNOWLEDGMENT

I have read and understand the City of Topeka’s No Discrimination and Harassment Policy. Specifically, I acknowledge my understanding of the following:

1. I understand the type of conduct and behavior that is prohibited by this policy.
2. I understand that I will be subject to discipline, up to and including the termination of my employment, if I engage in conduct prohibited by this policy.
3. I know how to report violations of this policy to the City of Topeka.

Signature

Date

Printed Name

The Department of Human Resources
Emergency Contact Numbers

806-1738
806-2759
806-3664