

SECTION 6

EQUAL EMPLOYMENT OPPORTUNITY, AND PROHIBITION AGAINST DISCRIMINATION AND HARASSMENT

6.1 General Policy. In the execution of any action, the City of Excelsior Springs, Missouri will not discriminate against any employee or applicant for employment because of race, creed, color, religion, sex, marital status, status as a veteran, handicap, disability, age, national origin, genetic information, or political opinion or affiliation or because of any other category protected by any applicable federal, state or local law. The City adheres to any affirmative action requirements applicable to it that are imposed upon grant recipients or are imposed by federal, state or local law. This policy extends to all terms, conditions and privileges of employment, as well as the use of all City facilities and participation in all City-sponsored activities as follows:

1. Recruitment, advertising and job application procedures;
2. Hiring, promotion, demotion, transfer, layoff, termination, right of return from layoff and rehiring;
3. Rates of pay or any other form of compensation and changes in compensation;
4. Job assignments, job classifications, organizational structure, position descriptions, lines of progression, and seniority lists;
5. Leaves of absence, sick leave or any other leave;
6. Fringe benefits available by virtue of employment, whether or not administered by the City;
7. Selection and financial support for training, including apprenticeships, professional meetings, conferences and other related activities and selection for leaves of absence to pursue training;
8. Activities sponsored by a covered entity including social and recreational programs; and
9. Any other term, condition or privilege of employment.

Discrimination, harassment, retaliation, coercion, interference or intimidation of any employee or volunteer is strictly forbidden and any employee or volunteer who experiences such behavior should report it immediately to his or her, Immediate Supervisor, Department Head or the City Manager. If the person to whom the matter is reported does not take prompt action to address and put a stop to the discrimination or harassment, immediately contact the City Manager. The City will, in all solicitations or advertisements for employees placed by or in behalf of the City; state that it is an equal employment opportunity employer. The City will insert a similar provision in all contracts for services performed under City projects.

6.2 Americans with Disabilities Act (ADA) Policy. To provide a reasonable policy and procedure that will ensure: 1) equal opportunities for disabled persons to participate in and benefit from services, programs, or activities sponsored by the City; 2) a bias free environment for disabled employees, or for disabled persons who seek employment with the City; and, 3) prompt and equitable resolution of complaints alleging discrimination on the basis of a disability.

6.21 The City of Excelsior Springs does not discriminate on the basis of disability or handicap in employment or the provision of services. It is the intent of the City to guarantee disabled persons equal opportunity to participate in or enjoy the benefits of City services, programs, or activities, and to allow disabled employees a bias free work environment. However, it is the City's policy, consistent with legal requirements, to hire, promote, re-assign and retain the person that City management believes is the most qualified person for every position in the City. The City, upon request, will provide reasonable accommodation in compliance with the Americans with Disabilities Act (ADA) and applicable state law.

6.22 The City is committed to creating an environment in which facilities for public meetings and general public use are accessible. Furthermore, the City will provide auxiliary aids and services (interpreters, readers, assisted listening devices, text telephones, large print materials, audio tape, help in filling out forms, and other similar services and actions) if necessary and if such reasonable accommodation can be provided without undue hardship to the City. Disabled persons may request the auxiliary aids and services of their choice, which will be given primary consideration. Communication of accessibility will be included in City publicity announcements.

6.23 The City has a commitment to ensure equal opportunities for disabled City employees consistent with the City's policy to fill each position with the most qualified employee. Every reasonable effort will be made to provide an accessible work environment and additional accommodations, including auxiliary aids and services. Employment practices (e.g. hiring, training, testing, transfer, promotion, compensation, benefits, termination, etc.) will be administered in such manner as to not promote discrimination of disabled employees. Detailed policies and procedures regarding employment practices are contained in the City's Personnel Policy Manual.

6.24 Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate on the basis of

disability. Reasonable accommodation will be provided upon request during an application/interview process.

- 6.25** The City is also committed to ensure equal opportunity for disabled persons to participate on boards and commissions. Board and Commission meetings will be held in accessible locations requested auxiliary aids will be provided, and reasonable accommodation provided during the selection process of board and commission members. Through the recruitment process, the City will actively seek and invite the participation of board and commission members who are disabled.
- 6.26** All future construction and renovation of City-owned buildings and facilities shall be consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board, the Uniform Federal Accessibility Standards (UFAS) and ADA Accessibility Guidelines (ADAAG).
- 6.27** In the event citizens, employees, or other participants in the City's programs, services, and activities feel the City has violated their rights under the ADA, they are to be reported immediately to any one of the following staff personnel: Immediate Supervisor, Department Head, Human Resources Manager, or City Manager. If the person to whom the matter is reported does not take prompt action to address and put a stop to the perceived violation of this ADA policy, immediately contact the City Manager. All statements and actions taken to resolve such complaints will be treated confidentially to the extent consistent with a full investigation.
- 6.28** City staff will endeavor to ensure that disabled persons may participate in and benefit from City programs, services, and activities as required by law.
- 6.3 Prohibition against Discrimination and Harassment.** The City prohibits and will not tolerate discrimination, harassment or violation of civil rights directed against any employee, applicant for employment, vendor, or citizen or other third party because of race, citizenship, creed, color, ancestry, sex, disability, religion, national origin, age, genetic information, service in the United States military, status as a veteran or any other factor which is not a proper legal basis for an employment or business decision. Furthermore, to maintain a quality working environment for all employees, or potential employees, the City is committed to maintaining a work environment free from harassment, intimidation, humiliation, insult, or offensive physical or verbal abuse.

Sexual, ethnic, racial, age, genetic information, religious, disability harassment or harassment based on any other basis protected by law is an offense first against the City, and second, an

offense against any specific employee or group of employees. Offenses refer to physical or verbal actions that have the purpose or effect of creating a hostile, offensive, or intimidating working environment, or has an ethnic, racial, age, religious, or sexual basis, or both. Examples would include, but are not limited to: physical contact of a sexual nature, sexual, racial, ethnic, age, disability, or religious related jokes, comments, insults, cartoons, images, e-mails, screen savers, text messages, innuendos, or personal conduct or mannerisms that could be construed as offensive.

It is the City's position to take affirmative action to prevent such unwanted conduct and discrimination from occurring and to deal with all such reported incidents in a fair, impartial and prompt manner. All complaints or incidences, where investigations confirm the allegations, timely action will be taken to remedy the situation and to prevent its recurrence.

It is each employee's responsibility to help eliminate all forms of prohibited discrimination, harassment and unwanted conduct. It will be every supervisor's responsibility to prevent such behavior from occurring within their work jurisdiction.

When incidences of discrimination or harassment occur, they are to be reported immediately to any one of the following designated staff personnel: Immediate Supervisor, Department Head, Human Resources Coordinator, or City Manager. If the person to whom the matter is reported does not take prompt action to address and put a stop to the discrimination or harassment, immediately contact the City Manager. Confidentiality shall be maintained with regard to actions, investigations, and complaints of harassment to the extent feasible consistent with a full investigation.

6.31 Disciplinary Action -- All persons who violate this policy will be subjected to disciplinary procedures up to and including discharge.

6.4 Sexual Harassment. It is the policy of the City to prohibit sexual harassment of its employees in any form. The purpose of this policy is not to regulate employees' personal lives or morality. The policy was formulated to protect City employees, both male and female, against unsolicited and unwelcome sexual overtures or conduct, either physical or verbal.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature or welcomed social relationships.

Harassment on the basis of sex is defined as: "Unwelcome sexual advances, request for sexual favors, and 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, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect

to substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment".

Employees who experience sexual harassment should report it to any one of the following designated staff personnel: Immediate Supervisor, Department Head, Human Resources Manager, or City Manager. If the person to whom the matter is reported does not take prompt action to address and put a stop to the discrimination or harassment, immediately contact the City Manager.

Confidentiality shall be maintained with regard to actions, investigations, and complaints of harassment to the extent feasible consistent with a full investigation.

6.41 Disciplinary Action. The complaint will be investigated and, if such investigation confirms the allegation, appropriate disciplinary action up to and including dismissal will be taken.

6.5 Retaliation Prohibited. Regardless of the outcome of the investigation, no retaliation against any employee, applicant, citizen, vendor, agent, independent contractor or third party making a good faith report of suspected harassment or discrimination or violation of civil rights will be tolerated.

The City recognizes that the issue of whether harassment or discrimination or violation of civil rights has occurred requires a factual determination based on all the evidence received. The City also recognizes that false accusations of harassment or discrimination or violation of civil rights can have serious effects on innocent men and women. We trust that all employees, applicants, citizens, vendors, agents, independent contractors and third parties dealing with the City will continue to act in a responsible and professional manner to establish a pleasant working and business environment free of discrimination, harassment and violation of civil rights.

6.6 Responsibility. The City Manager shall be responsible for insuring compliance with the City's policies on Equal Employment Opportunity, ADA, discrimination, harassment and retaliation.