

TITLE III: ADMINISTRATION - CONTINUED**CHAPTER 40: EQUAL EMPLOYMENT OPPORTUNITY POLICY**

40-1: STATEMENT OF POLICY. The City provides equal employment opportunities to each employee and applicant for employment without regard to race, color, religion, national origin, age, sex, handicap or disability, unfavorable discharge from military service or status in accordance with applicable law. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves or absence, compensation, and training.

40-2: PROHIBITION AGAINST UNLAWFUL HARASSMENT. The City expressly prohibits any form of unlawful employee harassment based on race, color, religion, national origin, age, sex, handicap or disability, unfavorable discharge from military service or status.

40-3: DEFINITION OF HARASSMENT. For these purposes, the term harassment includes, but is not limited to slurs, jokes, other verbal, graphic or physical conduct relating to an individual's race, color, religion, national origin, age, sex, status, handicap or disability or unfavorable discharge from military service in accordance with applicable law. Harassment includes sexual advances, request for sexual favors and other verbal, graphic or physical conduct of a sexual nature and harassment also includes making submission to or rejection of such conduct the basis of any employment-related decision and includes creating an intimidating, hostile or offensive working environment by such conduct.

Sexual harassment involves a man harassing a woman, a woman harassing a man or harassment between members of the same gender.

40-4: RESPONSIBILITY OF INDIVIDUAL EMPLOYEES. Each employee shall receive a copy of this harassment policy and be familiar with it. Each individual employee has the responsibility to refrain from harassment in the workplace or be subject to disciplinary action including immediate discharge. The harassing employee will be subject to disciplinary action up to and including discharge. The harassing employee may be subject to counseling as a condition of continued employment, such counseling to be at the employee's expense. Each employee shall cooperate with any harassment investigation.

40-5: RESPONSIBILITY OF SUPERVISORY PERSONNEL.

(A) Each supervisor is responsible for maintaining the workplace free of harassment. He shall deal with harassment as with all other forms of employee misconduct when he becomes aware of any harassment.

(B) A supervisor must address an observed incident of harassment or a complaint, with seriousness, take prompt action to investigate it, report it and observe strict confidentiality. Such action shall also be taken in cases where an employee tells the supervisor about behavior considered harassment but does not want to make a formal complaint.

(C) A supervisor must ensure that no retaliation will result against an employee making a harassment complaint.

(D) A supervisor must file a confidential report of his referral of a report to the City Attorney with the Mayor.

(E) A supervisor must inform his current employees and each new employee of this harassment policy and shall provide a copy of this policy to them.

40-6: RESPONSIBILITY OF ELECTED OFFICIALS. Each elected office holder for the City of Red Bud shall receive a copy of and be familiar with this harassment policy.

40-7: PROCEDURES FOR FILING A COMPLAINT.

(A) An employee who believes that he or she is the victim of harassment shall be encouraged to report the incident.

(B) An employee who observes harassing behavior or believes that he or she has been harassed should directly and clearly express objection to the conduct to the offending employee and request that the offensive behavior stop.

(C) The employee may also elect to pursue the following actions or may proceed to do so in lieu of directly confronting the offending employee.

(1) Notify his supervisor; or

(2) If the employee's supervisor is the person alleged to have engaged in harassment, notify the Chairman of the City's Personnel Committee who shall then refer the report to the City Attorney to investigate and report the alleged incident in the same manner as subsection (E) below.

(D) An employee who is seeking corrective action shall document the incident in a written report.

(E) A supervisor receiving an oral or written report of harassment shall refer the report to the City Attorney to review the allegations and respond as soon as possible, but not later than five (5) working days, by taking the following actions:

(1) Discuss the allegations with the reporting employee.

(2) Discuss the allegations with the charged employee.

(3) Discuss the allegations with each witness, if any.

(4) File a written report with the Mayor.

(F) The Mayor, or his designee, shall review the City Attorney's written investigative report, conduct an additional investigation if he deems it to be necessary and take whatever action which he believes is warranted, such action to include disciplinary action up to and including immediate discharge of the harassing employee in the manner as provided in Section 32-19 of this Code. The Mayor shall provide a written report of his action to the harassing and harassed parties. The Mayor, or his designee, shall complete his responsibilities hereunder within ten (10) working days of the supervisor being informed of the alleged harassment.

(G) Retaliatory action against anyone complaining in good faith of harassment is prohibited, even if the complaint is not substantiated. No retaliatory action shall be taken against any reporting witness who acts in good faith.

40-8: FALSE OR FRIVOLOUS CHARGE. An employee making a false or frivolous charge may be subject to disciplinary action. False or frivolous charges refer to cases where the accuser is knowingly using a false harassment complaint to accomplish some other end than stopping harassment, but do not include charges made in good faith which cannot be substantiated.

40-9 TO 40-10: RESERVED.

65 ILCS 5/1-2-1, et seq.