Effective Date: 02/01/82
Revision Date(s): 10/01/99; 12/7/07

I. PURPOSE

This Administrative Directive confirms the City of San Antonio's (City) commitment to foster a work environment free from ***employment discrimination***, ***harassment*** and ***sexual harassment***. In addition, this policy establishes procedures and responsibilities for preventing ***employment discrimination***, ***harassment*** and ***sexual harassment*** and for reporting, investigating, and resolving allegations of ***employment discrimination***, ***harassment*** and ***sexual harassment***.

II. POLICY

It is the policy of the City of San Antonio to provide a work environment to all employees and applicants free of ***employment discrimination***, ***harassment*** and ***sexual harassment***. In addition, any behavior, regardless of intent or severity, that could be deemed inappropriate workplace behavior, but may not legally constitute ***employment discrimination, harassment***, or ***sexual harassment,*** is prohibited. ***Harassment*** and ***sexual harassment*** are forms of discrimination that violate Title VII of the Civil Rights Act of 1964, (as amended), the Civil Rights Act of 1991, the American with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), and related State of Texas statutes. Retaliation against employees for opposing alleged ***employment discrimination, harassment***, or ***sexual harassment*** or for filing a charge, testifying, assisting, or participating in any manner in an Equal Employment Opportunity (EEO) investigation, proceeding, or hearing is prohibited.

This Administrative Directive is applicable to all employees of the City of San Antonio. Disciplinary actions outlined in this directive are not applicable to employees who are at will (non-civil service) and uniformed employees who are subject to different disciplinary procedures.

III. DEFINITIONS

A. **Employment Discrimination** - employment decisions based on stereotypes or assumptions about abilities, traits, or performance of individuals of a certain sex, race, age, religion, or ethnic group, sexual orientation, political affiliation or belief or individuals with disabilities; and denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, political affiliation or belief, or an individual with a disability. Discrimination is also defined by Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act (ADA), and the Age Discrimination in Employment Act (ADEA).

B. **Harassment** - verbal or physical conduct designed to threaten, intimidate or coerce; verbal taunting due to race, color, religion, sexual orientation, national origin, sex, age, and disability which, in the employee's opinion, impairs his/her ability to perform his/her job.

C. **Inquiry** - an informal fact finding investigation conducted by a Departmental EEO Counselor or Human Resources Generalist (HRG) under direction of the City of San Antonio's Equal Employment Opportunity Office.

D. **Sexual Harassment** - the Equal Employment Opportunity Commission defines ***Sexual Harassment*** as follows: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute ***sexual harassment*** 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 of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment." 29 C.F.R. § 1604.11(a). ***Sexual harassment*** can be committed by the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, customers, or a non-employee, toward any other employee, regardless of either's gender. The harasser's conduct must be unwelcome. ***Sexual harassment*** can take one of two forms, quid pro quo or hostile work environment.

1. Quid pro quo - submission to or rejection of sexual conduct is used as the basis for making employment decisions, such as but not limited to promotions, pay increases, hiring and firing by a person in power. This type of ***sexual harassment*** is typically a direct sexual overture and is a type of ***sexual harassment.***

2. Hostile work environment - sexual conduct which unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment, even if it leads to no tangible or economic job consequence. This type of ***harassment*** can be committed by any employee and exists where the conduct is so severe or pervasive that it creates an intimidating, offensive workplace environment and alters the terms and conditions of employment. (The "hostile environment" standard also applies to ***harassment*** on the basis of age and disability as well as race color, religion, sexual orientation, sex, and national origin.)

IV. POLICY GUIDELINES

The City is committed to investigate allegations of ***employment discrimination*** or ***harassment*** promptly, maintain confidentiality to the extent possible, and prohibit retaliation against employees who report incidents or participate in investigations. Violations of this policy will be dealt with as a disciplinary matter. Employees are encouraged to report a complaint of ***employment discrimination***, ***harassment*** and ***sexual harassment*** as soon as possible.

Reporting an incident leading to a complaint more than 180 days after it occurs can hinder the ability of the City to investigate the matter. Nevertheless, the City will investigate any complaint filed within a reasonable time. Violations of this policy will be dealt with as a disciplinary matter. Supervisors or managers are expected to take appropriate corrective action.

A. Employees are required to abide by the policy and procedures of this administrative directive.

B. Employees are required to avoid any conduct in violation of this policy and to immediately cease such conduct upon learning that such conduct is offensive and/or unwelcome.

C. The EEO Office should coordinate training of all managers, supervisors, and employees with the Human Resources Department.

D. Employees are required to cooperate fully with investigations and maintain confidentiality in matters under investigation with coworkers, supervisor(s), and/or other individuals identified as witnesses unless authorized by appropriate authority.

E. Departments may place an employee accused of violating this policy on administrative leave with pay pending the outcome of the investigation.

V. RESPONSIBILITIES

A. Employee

1. Employees shall report offensive and unwelcome conduct through the hierarchy within his/her department, or with any of the department's EEO counselors, or with the City's Equal Employment Opportunity Office, Human Resources Generalist or Human Resources Department staff. Employees may also file charges with the Texas Workforce Commission Office of Civil Rights or the U.S. Equal Employment Opportunity Commission.

2. Employees are responsible for indicating when advances and behavior are unwelcome.

3. Employees should indicate their intent to make a formal complaint under this policy.

4. Employees are expected to report any conduct in violation of this policy. Documentation should contain all relevant details of the incident such as time, place, date, witnesses. and to cooperate fully and completely with any investigation whether directly involved in the incident or as a witness.

5. Employees are required to cooperate fully with investigations and maintain confidentiality in matters under investigation with coworkers, supervisor(s), and/or other individuals identified as witnesses unless authorized by appropriate authority.

B. Department Director/Supervisor

1. Department Directors are responsible for creating and maintaining a positive and productive work environment free of ***employment discrimination***, ***harassment***, and ***sexual harassment***.

2. Department Directors should initiate internal investigations.

3. Department Directors are responsible for providing an environment that is free from intimate, romantic or dating relationships between supervisors and subordinates.

4. Supervisors are required to ensure that each of their subordinates are aware of this policy and that a copy of the policy has been provided to each of them.

5. Supervisors are responsible for reporting Department EEO Counselor inquiries through the department hierarchy up to the Department Director.

6. Supervisors are responsible for possible disciplinary consequences up to and including termination for conduct constituting a violation of this policy.

7. Supervisors should inform employees of procedures (refer to Section VI) that may be used to report conduct believed to violate this policy.

8. Supervisors are responsible for ensuring that each employee under his or her supervision signs a written acknowledgment of receipt of this Administrative Directive 4.67 (see Attachment A). Furthermore, managers and supervisors are responsible for ensuring that each employee under his or her supervision is aware of the City's policy regarding ***employment discrimination***, ***harassment***, and ***sexual harassment***.

9. Supervisors will attend training as required by the City Management Team. This training shall include participation in the ongoing training programs conducted by the City's Equal Employment Opportunity Office. Every supervisor shall be held accountable for complying with all requirements of this administrative directive through appropriate disciplinary action.

10. Supervisors shall ensure that all Department EEO Counselors are provided work time to conduct EEO inquiries related to this directive.

C. Equal Employment Opportunity Office/Human Resources Department

1. EEO Office Management is responsible for informing all employees and supervisors of this policy, through distribution of this administrative directive during In Processing. The Human Resources representative at In Processing ensures that an acknowledgment form is signed and forwarded to the employee's 201 File.

2. EEO investigators are responsible for accepting and investigating complaints of alleged discrimination including those involving ***harassment*** or ***sexual harassment*** in accordance with the procedures established in this administrative directive.

3. EEO Office Management will ensure that all Department EEO Counselors have been trained and advised of this directive. Every complaint shall be documented and investigated promptly and thoroughly.

4. At the discretion of the EEO Management, Human Resources Department staff may be used to complete investigations.

D. Department EEO Counselors

1. EEO Counselors conduct inquiries and fact finding on behalf of the City's Equal Employment Opportunity Office, complainant, and their assigned Department Director.

2. EEO Counselors will report all inquiries to their immediate supervisor for authorization to initiate the investigation.

3. EEO Counselors are responsible for being available and maintaining confidentiality of all interviews and information as authorized by law.

VI. PROCEDURES

A. Department Management an/or the Human Resources Generalist assigned to the department will notify the City's Equal Employment Opportunity Office when a complaint is received and someone other than an EEO Counselor initiates an ***inquiry*** or investigation.

B. Every complaint shall be documented thoroughly and investigated promptly by EEO counselors or the City's Equal Employment Opportunity Office with assistance from the Human Resources Generalists. Inquiries, informal fact finding investigations, are conducted by a Departmental EEO Counselor, Human Resources Generalist (HRG), or individual appointed by the Departmental

Director under the direction of the City of San Antonio's Equal Employment Opportunity Office.

C. The complainant, the accused, persons identified by either the complainant or the accused, and all other persons reasonably believed to have knowledge of the alleged incident shall be interviewed and their statements reduced to writing. The 201 File and/or Field Folder of the complainant and the accused shall be reviewed to determine prior similar incidents. The EEO Investigators will relay findings or a no finding and will defer to the Federal EEOC if there is a pending federal charge.

D. All information obtained as a part of an investigation of a complaint shall be released to management officials on a need-to-know basis only. All information shall otherwise be kept confidential, as permitted and required by law.

E. In all cases, the accused shall be afforded an opportunity to respond in writing to allegations before disciplinary action is initiated.

F. Upon resolution of the matter, or completion of the investigation, the original copy of resolution or investigation document(s) shall be submitted to the City's Equal Employment Opportunity Office.

F. At the conclusion of an investigation, the complainant shall be notified in writing.

G. Determination of violation of this policy does not equate to violation of a federal or state law.

VII. DISCIPLINARY ACTIONS

Appropriate discipline will be taken against those employees who violate this policy. Discipline to Civil Service employees will be in accordance with the Municipal Civil Service Rules of the City of San Antonio, Rule XVII, Section 2, which may include reprimand, suspension, reassignment or termination of employment. All disciplinary actions shall be reviewed by the Human Resources Generalists.

In cases where the safety of the general public or City employees is significantly compromised by an infraction of this administrative directive, a Department Director may choose to assess more severe disciplinary action against an employee, supervisor, and manager depending on the severity of the infraction.

Effective Date: 02/01/82
Revision Date(s): 10/01/99; 12/7/07

This directive supersedes all previous correspondence on this subject. Information and/or clarification may be obtained by contacting the Human Resources Department.

Edward Belmares
Human Resources Department Director

Date: 2-7-08

Approved by:

Sharon De La Garza
Assistant to the City Manager

Date: 2/11/08

Approved by:

Sheryl Sculley
City Manager

Date: 2-10-08

CITY OF SAN ANTONIO

EMPLOYEE ACKNOWLEDGMENT FORM
FOR

ADMINISTRATIVE DIRECTIVE 4.67
Equal Employment Opportunity/Anti-Harassment
Effective February 10, 2008

I acknowledge that on _____, 200_, I received a copy of Administrative Directive 4.67 Equal Employment Opportunity/Anti-Harassment, and I received an overview of this policy from my supervisor/trainer.

_____	_____
Employee's Name (Print)	Department
_____	_____
Employee's Signature	SAP Employee ID Number

Certification by:

I certify that on _____, 200_, I provided the above employee with a copy of this administrative directive and an opportunity to ask questions.

_____	_____
Supervisor/Trainer Name (Print)	Supervisor/Trainer Signature

201 file (original)
Field Folder Copy
Employee Copy