

## 15.105 EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMPLAINT PROCESS

### **Reference:**

Procedure 15.106, Sexual Harassment  
 Procedure 19.107, Family Medical Leave Act (FMLA)  
 Manual of Rules and Regulations – 1.04, 1.06 D, 1.13, 1.23C  
 City Manager's Administrative Regulation #25  
 City Manager's Administrative Regulation #55  
 Title VII of the Civil Rights Act of 1964, As Amended  
 Equal Employment Opportunity (EEO) Commission Guidelines (1980)  
 The Americans with Disabilities Act of 1990  
 The Family and Medical Leave Act of 1993  
 The Age Discrimination in Employment Act of 1967  
 Ohio Revised Code Chapter 4112, Civil Rights Commission  
 Cincinnati Municipal Code 308-79, Protected Employee Actions

### **Purpose:**

Allow all Department employees to work in an environment free from any type of discrimination in the work place.

Establish an Equal Employment Opportunity (EEO) complaint process for reporting complaints of any unlawful discriminatory practice.

### **Policy:**

The establishment and maintenance of good communication between the immediate supervisor and employee is one of the most important responsibilities of management. Each supervisor is expected to operate with an "open mind" and "open door" to employees who seek assistance in resolving complaints and problems. Each supervisor is delegated the responsibility for ensuring that every effort is made to provide a reasonable and timely answer or solution to employee complaints and problems which may arise on matters related to the terms and conditions of their employment.

Any form of discrimination is against the law and is a prohibited personnel practice. Employees who violate this policy are subject to the disciplinary process.

Supervisors notified of an Equal Employment Opportunity (EEO) complaint originating within the Department will prepare a Form 17 to the Chief.

Supervisors investigating an EEO complaint that has been filed through the Human Resources Department (HR) will complete the "Department Response to Employee Relations/EEO Complaint" form.

### **Information:**

Completing the Department Response to Employee Relations/EEO Complaint form allows supervisors to document facts and organize thoughts for an accurate response to an EEO complaint. Maintaining records of EEO complaints assists HR and the Law Department in identifying facts associated with the complaint.

Personnel Section is the Department liaison with HR. Personnel Section is responsible for maintaining a file of all EEO complaints. District/section/unit supervisors must insure copies of EEO complaints originating within the Department are forwarded to Personnel Section.

The Police Chief's Office will forward to Personnel Section copies of all EEO complaints filed through HR on behalf of, or involving, Department members. The Police Chief will determine the district/section/unit responsible for the investigation of an EEO complaint. Complaints of sexual harassment will be investigated by the Internal Investigations Section.

**Procedure:**

A. Reporting EEO Complaints

1. Employees with complaints of any unlawful discriminatory practice may report their complaint to:
  - a. Any supervisor.
    - 1) Notification to a Department supervisor can be done orally or in writing.
  - b. Any EEO counselor.
  - c. The City's EEO Office (Human Resources Department)  
Two Centennial Plaza  
805 Central Avenue, Suite 200  
Cincinnati, Ohio 45202  
Telephone number: 352-2400
  - d. The Ohio State Civil Rights Commission  
7162 Reading Road, Suite 1001  
Cincinnati, Ohio 45237  
Telephone number: 852-3344
  - e. The Federal Equal Employment Opportunity Commission  
John W. Peck Federal Building  
550 Main Street, Suite 10019  
Cincinnati, Ohio 45202  
Telephone number: 684-2851

B. Supervisor Responsibilities

1. Each supervisor is responsible for preventing acts of sexual harassment and acts which create an intimidating, hostile, or offensive working environment by:
  - a. Monitoring the work environment on a daily basis.
  - b. Counseling all employees on the types of behavior prohibited and the Department's procedure for reporting and resolving EEO complaints.

- c. Stopping any observed acts which may be considered sexual harassment, offensive or derogatory remarks and/or hostility or aversion toward an individual because of his or her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, HIV status, or Appalachian regional ancestry, or that of his or her relatives, friends, or associates, and taking appropriate steps to intervene, whether or not the involved employees are within their line of supervision.
  - 2. When a supervisor is notified of any EEO complaint originating within the Department, the supervisor will prepare a Form 17 to the Chief.
    - a. The Form 17 should include the names of all persons involved, time and location where the alleged incident(s) occurred, the nature of the complaint, and any action taken.
    - b. The supervisor will place the Form 17 in a sealed envelope. Do not route through the chain of command.
    - c. The Form 17 will be sent directly to the Police Chief for determination of an investigation.
      - 1) A copy of the Form 17 will be placed in a sealed envelope and forwarded to Personnel Section.
- C. Notification of EEO Complaint Received from within the Department
  - 1. Department employees responsible for investigating an EEO complaint, other than Sexual Harassment, will make every reasonable effort to resolve the complaint.
    - a. Sexual Harassment complaints are investigated by Internal Investigations Section (IIS).
  - 2. Complaints not resolved at the department level will be forwarded to the Human Resources Department along with an explanation as to why it is believed the complaint was not resolved.
- D. Internal Investigations Section (IIS) Responsibilities in Sexual Harassment Complaints
  - 1. IIS will investigate a complaint of sexual harassment pursuant to their standard operating procedures (SOP) and Procedure 15.106, Sexual Harassment, Sections C. and D.
- E. Notification of an EEO Complaint Received from the Human Resources Department
  - 1. HR will notify the Chief of a pending EEO Complaint and the Chief will determine how the complaint is investigated.
    - a. As in any workforce environment where people work closely together, interpersonal issues arise that should be resolved as early as possible. When an employee has a complaint that centers on interpersonal

relations issues, the Chief may direct the complaint be resolved through a mediation process.

#### F. Interpersonal Relations Issues Mediation Process

1. Upon receipt of a referral of complaint by the Police Chief, complaints centered on interpersonal relations will be resolved through a mediation process facilitated by Police Personnel Section.
  - a. Personnel Section will contact the affected district/section/unit commander.
    - 1) District/Section/Unit Commanders will identify the complainants and respondents in the complaint as well as clarify all issues regarding the complaint.
  - b. District/Section/Unit Commanders will identify a mutually acceptable third party mediator of rank equal to or higher than those involved. If no mediator can be identified, contact Police Personnel Section for assistance.
    - 1) Police Personnel Section will train mediators on active listening skills and opening communication channels in the work environment.
  - c. The assigned Mediator will meet with the Complainant and offer the opportunity to discuss the issues related to the complaint. The meeting should also focus on possible resolutions. Notes should be taken during the meeting but the meeting **will not** be electronically recorded.
  - d. The assigned Mediator will meet with the Respondent and offer the opportunity to discuss the issues related to the complaint. The meeting should also focus on possible resolutions. Notes should be taken during the meeting but the meeting **will not** be electronically recorded.
  - e. After meeting with the Complainant and the Respondent, the assigned Mediator must decide if a mediation meeting between the parties will be beneficial and/or will develop a resolution. If so, the mediation meeting should be conducted.
    - 1) The affected District/Section/Unit Commander shall review the Mediator's recommendation and decide on the implementation of the meeting.
  - f. The assigned Mediator will prepare a brief summary of the complaint resolution or lack of resolution on a Form 17 and submit it through the chain of command. Upon approval by the Chief, a copy shall be forwarded to Police Personnel Section for tracking.
  - g. Police Personnel Section will advise HR that the complaint has been closed.

#### G. Personnel Section Responsibilities

1. Serve as the Department liaison with HR.

2. Forward a copy of the EEO complaint to the appropriate district/section/unit for investigation by a supervisor.
  3. Ensure the copy of the EEO complaint and the Department Response to Employee Relations/EEO Complaint form are forwarded to HR.
  4. Maintain a file of all EEO complaints.
  5. Notify the Police Chief's Office of the status of all EEO complaints.
- H. Offensive/Derogatory Remarks by a Service Provider
1. Services provided through a service provider under contract with the City are to remain free of any form of offensive or derogatory remarks, hostility or aversion toward an individual because of his or her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, HIV status, or Appalachian regional ancestry, or that of his or her relatives, friends, or associates. Personnel who believe they have been subjected to offensive or derogatory remarks or have knowledge of conduct constituting the above, have a responsibility to notify any resource listed in Section A.1.a. through A.1.e.
- I. Retaliation
1. There will be no retaliation against any employee for filing any complaint of unlawful discriminatory or otherwise prohibited behavior, an EEO sexual harassment complaint, or for assisting, testifying, or participating in the investigation of such complaint.
- J. False and Malicious Claims
1. EEO complaints determined to be false and malicious will be treated in the same manner as other forms of serious misconduct.