

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) RESOLUTION NO. 93-1837A
POLICIES REGARDING HARASSMENT)
AND DISCRIMINATION AND ADOPTING) Introduced by Judy Wyers,
RELATED PROCEDURES) Presiding Officer

WHEREAS, The Metro Council has previously adopted on the recommendation of the Executive Officer policies that prohibit discrimination and harassment including sexual harassment; and

WHEREAS, It is appropriate to clarify that these adopted policies apply to elected officials of Metro as well as to appointed employees; and

WHEREAS, It is appropriate to provide informal procedures to resolve certain complaints and clarify the procedures for the making of formal complaints against elected officials; and

WHEREAS, The Council, pursuant to Section 20 of the 1992 Metro Charter, is the judge of the election and qualifications of its members, and it is appropriate that the Council adopt procedures by which complaints regarding Councilors can be investigated and resolved; now, therefore,

BE IT RESOLVED,

1. That the Council adopts the revisions to the existing Policy Statements regarding the Metro Affirmative Action Program attached as Exhibit "A."
2. That the Council adopts the revisions to the existing Policy Statement regarding sexual harassment attached as Exhibit "B."

3. That the Council adopts revisions to the Complaint Procedures attached as Exhibit "C."

4. That the Council adopts the Council Procedures for Investigation, Hearings and Resolution of Complaints Regarding Wrongful Conduct of Councilors attached as Exhibit "D."

ADOPTED by the Metro Council this 14th day of October, 1993.



Judy Wyers, Presiding Officer

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1134

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ADOPTED by the Metro Council this ____ day of _____, 199__.

Judy Wyers, Presiding Officer

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POLICY STATEMENT

Section 1. Purpose and Authority

(a) It is the purpose of this program to establish policies to encourage, enhance and provide equal employment opportunities and to prevent discrimination in employment and personnel practices.

(b) This program is adopted pursuant to 28 CFR, Part 42, Department of Justice and 49 CFR, Part 21, Circular C1155.1, U.S. Department of Transportation, Urban Mass Transportation Administration (UMTA), and, is intended to comply with all relevant federal and state laws.

(c) This program shall be known and may be cited as the "Affirmative Action Program", hereinafter referred to as the "program".

Section 2. Policy Statement

(a) Through the affirmative action program Metro:

(1) expresses its strong commitment to provide equal employment opportunities and to take affirmative action to ensure nondiscrimination in employment practices;

(2) informs all Metro elected officials and employees, governmental agencies and the general public of its intent to implement this policy statement; and

(3) assures conformity with applicable federal regulations as they exist or may be amended.

(b) It shall be the policy of Metro to ensure that Equal Employment Opportunities and practices exist for all applicants and employees without regard to their race, color, religion, national origin, sex, age, marital status, Vietnam era veteran or disabled veteran status, disability for which reasonable accommodation can be made, sexual orientation or familial status. Equal opportunities and considerations will be afforded in recruiting, selecting, hiring, transferring, promoting, compensating and terminating employees.

(c) It shall be the policy of Metro to implement and maintain a plan of affirmative action to overcome the effects of discrimination in all areas and activities of employment. Plan goals will be developed, updated each fiscal year, monitored and assessed to obtain and place qualified women and minorities in positions which reflect a realistic parity with the comparable existing

regional labor force and, to provide a uniform and equal application of established employment procedures and practices for all employees.

(d) The policies, practices and procedures established by this program shall apply to all Metro departments and project areas.

(e) The objective of the program shall be:

(1) to assure that provisions of this program are adhered to by all Metro elected officials, departments, employees, employment agencies, subrecipients, contractors and subcontractors of Metro; and

(2) to initiate and maintain efforts to ensure equal employment opportunities to all applicants and employees.

(f) Metro accepts and agrees to the statements of the Department of Transportation, Urban Mass Transportation Administration, Circular UMTA C 1155.1, December 30, 1977, "UMTA Interim Equal Employment Opportunity Policy and Requirements for Grant Recipient".

Section 3. Definitions

For the purposes of this program, the following definitions shall apply:

(a) "Affirmative Action" - a positive program to eliminate discrimination and noncompliance and to ensure nondiscriminatory practices and compliance in the future.

(b) "Equal Employment Opportunity" - employment activities conducted on an equal opportunity basis without discrimination as to race, color, religion, national origin, sex, age, marital status, Vietnam era or Disabled Veteran status, disability for which a reasonable accommodation can be made, sexual orientation or familial status.

(c) "Minority" or "Minority-Groups" means:

(1) "Black Americans" (not of Hispanic origin), which includes persons having origins in any of the black racial groups of Africa;

(2) "Hispanic", which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;

(3) "Asian or Pacific Islanders", which includes persons of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa;

(4) "American Indian or Alaskan Native", which includes persons having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

(d) "Protected groups" or "class status" means women, disabled persons, and those persons cited in "(c)" above.

(e) "Discrimination" means that act or failure to act, intentional or unintentional, the effect of which is that a person, because of their race, color, religion, national origin, sex, age, marital status, disability for which reasonable accommodation can be made, sexual orientation or familial status, has been excluded from participation in, denied the benefits of, or has been otherwise subjected to unequal treatment.

Section 4. Notice to Subrecipients, Contractors and Subcontractors

Subrecipients, contractors and subcontractors of Metro accepting contracts or grants under the program shall be advised that failure to carry out the requirements set forth in this program shall constitute a breach of contract and, after notification by Metro, may result in termination of the agreement or contract by Metro or such remedy as the Metro deems appropriate.

Section 5. Affirmative Action Officer

The Personnel Director or his/her designee shall be the Affirmative Action Officer, and shall report to the Executive Officer on matters pertaining to the program. Other staff shall be designated by the Affirmative Action Officer as necessary to administer the program appropriately and adequately.

Section 6. Affirmative Action Goals

(a) Metro shall establish affirmative action goals to ensure equal employment opportunities for each fiscal year. Such annual goals shall be established separately by job category for minorities and women.

(b) Annual goals will be established taking into consideration a work force study and analysis.

Section 7. Responsibilities

(a) The Affirmative Action Officer shall be responsible for developing, managing, and implementing the program, and for disseminating information to Metro elected officials, employees, the general public and employment agencies, including minority and culturally related organizations having employment functions as a primary service.

(b) All managers and supervisors, including elected officials who are also managers and supervisors, shall be responsible to act in accordance with the affirmative action plan in the Recruitment, selection, processing and treatment of employees.

(c) All other elected officials shall be responsible to act in accordance with the program policy statements.

SEXUAL HARASSMENT

POLICY STATEMENT

It is the policy of Metro to provide a work environment for all employees and elected officials that is free from unsolicited and unwelcome sexual overtures or other harassment.

Additionally, Metro shall not condone or tolerate prejudicial remarks, actions, slurs, and jokes in the workplace that are offensive to people relative to their race, color, religion, national origin, sex, age, marital status, veteran status, disability, or sexual orientation.

Sexual harassment is unacceptable and illegal behavior which decreases morale, affects productivity, and creates a hostile work environment. All employees and elected officials are expected to use a reasonable person's standard of good judgment in their working relationships. No employee or elected official shall be subjected to deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature, or that is offensive, hostile, or intimidating.

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 individuals; 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.

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity to physical assault. These examples provided are not intended to be all inclusive:

1. Propositions in exchange for a job promotion, favorable performance appraisal, work assignments, etc.;
2. Sexual innuendos or insinuations;
3. Jokes and pranks about sex or gender-specific traits;
4. Whistling and obscene gestures; and

5. Touching, pinching, etc.

Any Metro employee or elected official who uses implicit or explicit coercive sexual behavior to threaten, influence, or affect the career, salary, or work environment of another Metro employee or elected official is engaging in sexual harassment. This is misconduct and will not be tolerated. Sexual harassment is prohibited between supervisors and employees, between co-workers, between elected officials, between elected officials and employees, and for acts of non-employees against employees in the course of their employment relationship.

Supervisors and elected officials must demonstrate by their own conduct that they support and enforce Metro's policy, must take prompt action if a problem is reported, and are expected to communicate this policy to all Metro staff and elected officials and provide leadership in carrying out its intent.

Any employee or elected official subjected to sexual harassment is encouraged to proceed under the Complaint Procedure in this program.

Employees who observe or who are aware of situations involving sexual harassment should immediately notify their supervisor or the Personnel Director.

Any employee found to have engaged in sexual harassment will be subject to strong disciplinary action, up to and including termination.

COMPLAINT PROCEDURES

1. If a complaint, whether informal or formal, is in regard to a Councilor, the complaint shall be forwarded to the Presiding Officer of the Council. If the complaint, whether informal or formal, is in regard to the Presiding Officer, the complaint shall be forwarded to the Deputy Presiding Officer.
2. If a complaint, whether informal or formal, is in regard to the Executive Officer, the complaint shall be forwarded to the Auditor.
3. If a complaint, whether informal or formal, is in regard to the Auditor, the complaint shall be forwarded to the Executive Officer.
4. If a complaint, whether informal or formal, is in regard to the Affirmative Action Officer, the complaint shall be forwarded to the Executive Officer.

INFORMAL PROCEDURE:

Some people who allege that an act of unlawful discrimination or harassment has occurred simply want it to end, and do not wish to go through a protracted formal or legal procedure. The following informal procedure is established to address that need, however, a person making a complaint is not required to use this procedure either in lieu of or prior to proceeding with a formal complaint:

- (A) Any employee who alleges that an act of unlawful discrimination or harassment by another employee or an elected official has occurred may verbally request an informal investigation of the allegation by either his/her Manager/Director or the Affirmative Action Officer.
- (B) The Manager/Director or Affirmative Action Officer shall, after appropriate investigation and within ten (10) days of the date of the complaint, determine what informal remedial action, if any, shall be taken. The complainant shall be informed by the Manager/Director or Personnel Director of the determination and any action to be taken.
- (C) If the complainant does not feel that the informal procedure satisfactorily resolves his/her complaint, or if the complainant does not want to initiate the informal procedure, he/she may proceed with the formal complaint procedure below.
- (D) The informal procedure shall be confidential and information related to a complaint shall not be disclosed by any person involved in this procedure except for the purpose of investigation and resolution.

FORMAL PROCEDURE:

1. An employee who alleges that an act of unlawful discrimination or harassment by another employee has occurred may file a grievance under the procedure set forth in the applicable collective bargaining agreement; or may file a complaint in writing to the Affirmative Action Officer. An employee who alleges that an act of unlawful discrimination or harassment by an elected official has occurred may file a complaint in writing to the Affirmative Action Officer.

A complaint filing must include the following information:

- (A) complainant's name and class status (minority, female, disability, age, veteran status, sexual orientation, etc.) if applicable;
 - (B) nature of the complaint, date the alleged violation occurred, and the name of the person who is the subject of the complaint; and
 - (C) if the complaint is in regard to a subrecipient, contractor or subcontractor, the name of that organization.
2. The Affirmative Action Officer shall, within ten (10) working days:
- (A) thoroughly investigate the complaint and establish a file of findings;
 - (B) submit the findings with a recommendation to the Executive Officer;
 - (C) the complainant shall be informed by the Affirmative Action Officer of the determination and any action to be taken; and
 - (D) notify complainant of relevant avenues of appeal, if appropriate.

APPLICANT COMPLAINTS: Any individual who has made application for employment and alleges that an act of unlawful discrimination has occurred may file a complaint in writing to the Affirmative Action Officer as set forth in #1 and #2 of the formal procedure above.

FEDERAL HIGHWAY ADMINISTRATION NOTIFICATION: In all cases the Affirmative Action Officer will notify the Federal Highway Administration division office within sixty (60) calendar days, if a complaint is made against an employee, department, subrecipient, contractor or subcontractor funded by the U.S. Department of Transportation.

Exhibit "D"

Council Procedures for Investigation, Hearings and Resolution of Complaints Regarding Wrongful Conduct of Councilors

Section 1. Purpose

The Council adopts these procedures to allow the Council to carry out its responsibilities under the Metro Charter to be the judge of the election and qualifications of Council members and to also provide a public, fair process by which the Council may investigate and resolve with either appropriate sanctions or exoneration any allegations made against individual Councilors regarding violations of Council or Metro rules, or policies including, but not limited to, policies and rules prohibiting discrimination and harassment.

Section 2. Complaints, Initiation of Investigation

(1) Upon receipt of any formal written complaint that alleges either that grounds for declaring a vacancy in the office of Council exists or that a Councilor has violated an adopted rule or policy of the Council or Metro regarding the conduct of a Councilor, the Presiding Officer shall cause the person who is the subject of the complaint to be notified of the complaint and the name of the person filing the complaint. If the respondent is the Presiding Officer, the Deputy Presiding Officer shall receive the complaint and shall fulfill the duties of the Presiding Officer under these procedures.

(2) Within five days after the filing of a formal written complaint with the Presiding Officer, the Presiding Officer shall appoint an investigator who is not an employee of the Council and who is experienced in investigating complaints.

(3) The investigator shall conduct an investigation and present findings of fact and recommendations, within 30 days after being appointed, to the Presiding Officer, the person filing the complaint, the person who is the subject of the complaint and members of the Council. If the investigator was appointed by the Deputy Presiding Officer, the investigator shall report to the Deputy Presiding Officer instead of the Presiding Officer.

Section 3. Hearings

(1) Upon receipt of the formal written complaint and the investigator's report regarding the conduct of a member of the Council, the Council shall schedule a public hearing on the complaint. The Council shall notify the person filing the complaint and the person who is the subject of the complaint of the hearing date, which shall be not sooner than 14 days after receipt of the complaint and report. The Council must complete its hearing and make its recommendations within 60 days of the filing of the formal written complaint.

(2) At the hearing, only the members of the Council shall ask questions of witnesses. The person who filed the complaint and the person who is the subject of the complaint, or a representative of either of them, shall be allowed to present evidence to the Council by requesting witnesses and documents to be presented to the Council and by requesting questions that the Council may address to the witnesses.

Section 4. Sanctions

(1)(a) If, at the conclusion of the hearing, the Council determines a sanction is appropriate, the sanction shall be reasonable and proportionate to the seriousness of the offense.

(b) Any recommended sanction against a Council member shall be approved by a majority vote of the Council before final action is taken against a Council member.

(2) If the Council takes no action, the formal procedure is concluded and the complaint shall be considered dismissed and the Councilor exonerated.

(3) The person who filed the complaint may determine that no further action is necessary, but is not precluded from pursuing other appropriate remedies, including court action.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 93-1837 AMENDING THE POLICIES REGARDING HARASSMENT AND DISCRIMINATION AND ADOPTING RELATED PROCEDURES.

Date: September 28, 1993

Presented by: Dan Cooper and Paula Paris

BACKGROUND

The Metro Council previously adopted policies and complaint procedures, within the Affirmative Action Program and Plan, that prohibit discrimination and harassment including sexual harassment. Those policies and complaint procedures, however, only applied to Metro employees and did not apply to elected officials of Metro.

FISCAL IMPACT - None.

RECOMMENDATION

It is appropriate to clarify and amend these adopted policies and complaint procedures to apply to elected officials of Metro as well as employees. It is also appropriate to modify the complaint procedures to include a more defined informal procedure for employees and elected officials who do not wish to go through a protracted formal or legal procedure.

Additionally, with the inclusion of elected officials which also pertains to Metro Councilors, the Council should adopt its own procedures to provide a public, fair process by which the Council may investigate and resolve any allegations made against individual Councilors regarding violations of Council or Metro rules or policies, including policies and rules prohibiting discrimination and harassment.

It is, therefore, recommended by the Presiding Officer that this Resolution be approved and forwarded to full Council.

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 93-1837A, AMENDING POLICIES REGARDING HARASSMENT
AND DISCRIMINATION AND ADOPTING RELATED PROCEDURES

Date: October 7, 1993

Presented by: Councilor Hansen

COMMITTEE RECOMMENDATION: At its October 7, 1993 meeting the Governmental Affairs Committee voted 4-0 to recommend Council adoption of Resolution No. 93-1837A. Voting were Councilors Gates, Hansen, Moore, and Wyers. Councilor Gardner was excused.

COMMITTEE DISCUSSION/ISSUES: Personnel Director Paula Paris presented the staff report. She said the resolution contained amendments to policies previously adopted by the Council (Exhibits A-C), and a new policy establishing procedures for dealing with complaints regarding wrongful conduct of Councilors (Exhibit D). The amendments to existing procedures primarily serve to include elected officials in the policy statements governing conduct of Metro employees, and also add a process for informal complaints.

Councilor Wyers said she had sent out some 100 drafts of the resolution to interested parties in the Metro region, and had incorporated into the resolution the suggestions she received in response. She also said AFSCME Local 3580 had suggested some modifications, and those had been taken into account as well, to the Union's satisfaction.

Council Analyst Casey Short said an amendment to the procedures for informal complaints had been suggested by legal counsel. That amendment was an addition to item "D," for the purpose of clarifying the extent to which informal complaints would be treated confidentially. (The amendment is in Exhibit C of the resolution, and is underlined.) The committee voted unanimously to include that amendment in the resolution.

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INFORMAL PROCEDURE:

Some people who allege that an act of unlawful discrimination or harassment has occurred simply want it to end, and do not wish to go through a protracted formal or legal procedure. The following informal procedure is established to address that need, however, a person making a complaint is not required to use this procedure either in lieu of or prior to proceeding with a formal complaint:

(A) Any employee who alleges that an act of unlawful discrimination or harassment by another employee or an elected official has occurred may verbally request an informal investigation of the allegation by either his/her Manager/Director or the Affirmative Action Officer.

(B) The Manager/Director or Affirmative Action Officer shall, after appropriate investigation and within ten (10) days of the date of the complaint, determine what informal remedial action, if any, shall be taken. The complainant shall be informed by the Manager/Director or Personnel Director of the determination and any action to be taken.

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(3) assures conformity with applicable federal regulations as they exist or may be amended.

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regional labor force and, to provide a uniform and equal application of established employment procedures and practices for all employees.

(d) The policies, practices and procedures established by this program shall apply to all Metro departments and project areas.

(e) The objective of the program shall be:

(1) to assure that provisions of this program are adhered to by all Metro ~~elected officials~~, departments, employees, employment agencies, subrecipients, contractors and subcontractors of Metro; and

(2) to initiate and maintain efforts to ensure equal employment opportunities to all applicants and employees.

(f) Metro accepts and agrees to the statements of the Department of Transportation, Urban Mass Transportation Administration, Circular UMTA C 1155.1, December 30, 1977, "UMTA Interim Equal Employment Opportunity Policy and Requirements for Grant Recipient".

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(4) "American Indian or Alaskan Native", which includes persons having origins

in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

(d) "Protected groups" or "class status" means women, disabled persons, and those persons cited in "(c)" above.

(e) "Discrimination" means that act or failure to act, intentional or unintentional, the effect of which is that a person, because of their race, color, religion, national origin, sex, age, marital status, disability for which reasonable accommodation can be made, sexual orientation or familial status, has been excluded from participation in, denied the benefits of, or has been otherwise subjected to unequal treatment.

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(b) All managers and supervisors, including elected officials who are also managers and

supervisors, shall be responsible to act in accordance with the affirmative action plan in the recruitment, selection, processing and treatment of employees.

(c) All other elected officials shall be responsible to act in accordance with the program policy statements.

SEXUAL HARASSMENT

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Sexual harassment is unacceptable and illegal behavior which decreases morale, affects productivity, and creates a hostile work environment. All employees and elected officials are expected to use a reasonable person's standard of good judgment in their working relationships. No employee or elected official shall be subjected to deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature, or that is offensive, hostile, or intimidating.

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 individuals; 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.

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity to physical assault. These examples provided are not intended to be all inclusive:

1. Propositions in exchange for a job promotion, favorable performance appraisal, work assignments, etc.;
2. Sexual innuendos or insinuations;
3. Jokes and pranks about sex or gender-specific traits;

4. Whistling and obscene gestures; and
5. Touching, pinching, etc.

Any Metro employee or elected official who uses implicit or explicit coercive sexual behavior to threaten, influence, or affect the career, salary, or work environment of another Metro employee or elected official is engaging in sexual harassment. This is misconduct and will not be tolerated. Sexual harassment is prohibited between supervisors and employees, between co-workers, between elected officials, between elected officials and employees, and for acts of non-employees against employees in the course of their [job] employment relationship.

Supervisors and elected officials must demonstrate by their own conduct that they support and enforce Metro's policy, must take prompt action if a problem is reported, and are expected to communicate this policy to [their subordinates] all Metro staff and elected officials and provide leadership in carrying out its intent.

Any employee or elected official subjected to sexual harassment is encouraged to [file] proceed [a-complaint] under the Complaint Procedure in this program.

Employees who observe or who are aware of situations involving sexual harassment should immediately notify their supervisor or the Personnel [Manager] Director.

Any employee found to have engaged in sexual harassment will be subject to strong disciplinary action, up to and including termination.

COMPLAINT PROCEDURES

1. If a complaint, whether informal or formal, is in regard to a Councilor, the complaint shall be forwarded to the Presiding Officer of the Council. If the complaint, whether informal or formal, is in regard to the Presiding Officer, the complaint shall be forwarded to the Deputy Presiding Officer.
2. If a complaint, whether informal or formal, is in regard to the Executive Officer, the complaint shall be forwarded to the Auditor.
3. If a complaint, whether informal or formal, is in regard to the Auditor, the complaint shall be forwarded to the Executive Officer.
4. If a complaint, whether informal or formal, is in regard to the Affirmative Action Officer, the complaint shall be forwarded to the Executive Officer.

INFORMAL PROCEDURE:

Some people who allege that an act of unlawful discrimination or harassment has occurred simply want it to end, and do not wish to go through a protracted formal or legal procedure. The following informal procedure is established to address that need, however, a person making a complaint is not required to use this procedure either in lieu of or prior to proceeding with a formal complaint:

- (A) Any employee who alleges that an act of unlawful discrimination or harassment by another employee or an elected official has occurred may verbally request an informal investigation of the allegation by either his/her Manager/Director or the Affirmative Action Officer.
- (B) The Manager/Director or Affirmative Action Officer shall, after appropriate investigation and within ten (10) days of the date of the complaint, determine what informal remedial action, if any, shall be taken. The complainant shall be informed by the Manager/Director or Personnel Director of the determination and any action to be taken.
- (C) If the complainant does not feel that the informal procedure satisfactorily resolves his/her complaint, or if the complainant does not want to initiate the informal procedure, he/she may proceed with the formal complaint procedure below.
- (D) The informal procedure shall be confidential and information related to a complaint shall not be disclosed.

FORMAL PROCEDURE:

[3] 1. An employee who alleges that an act of unlawful discrimination or harassment by another employee has occurred may file a grievance under the procedure set forth in [the Metro Code, Personnel Rules, Chapter 2.02] the applicable collective bargaining agreement; or may file a complaint in writing to the Affirmative Action Officer [as set forth in #1 and #2 above]. An employee who alleges that an act of unlawful discrimination or harassment by an elected official has occurred may file a complaint in writing to the Affirmative Action Officer.

[The] A complaint filing must include the following information:

- (A) complainant's name and class status (minority, female, disability, age, veteran status, sexual orientation, etc.) if applicable;
- (B) nature of the complaint, [and] date the alleged violation occurred, and the name of the person who is the subject of the complaint; and
- (C) if the complaint is in regard to a subrecipient, contractor or subcontractor, the name of that organization.

2. The Affirmative Action Officer shall, within ten (10) working days:

- (A) thoroughly investigate the complaint and establish a file of findings;
- (B) submit the findings with a recommendation to the Executive Officer;
- (C) the complainant shall be informed by the Affirmative Action Officer of the determination and any action to be taken; and
- (D) notify complainant of relevant avenues of appeal, if appropriate.

APPLICANT COMPLAINTS: [1] Any individual who has made application for employment and alleges that an act of unlawful discrimination has occurred may file a complaint in writing to the Affirmative Action Officer [The complaint filing must include the following information:] as set forth in [1] #1 and #2 of the formal procedure above.

FEDERAL HIGHWAY ADMINISTRATION NOTIFICATION: [4] In all cases the Affirmative Action Officer will notify the Federal Highway Administration division office within sixty (60) calendar days, if a complaint is made against an employee, department, subrecipient, contractor or subcontractor funded by the U.S. Department of Transportation.