



# ADMINISTRATIVE PERSONNEL POLICIES & PROCEDURES

## Policy No. 610: EQUAL EMPLOYMENT OPPORTUNITY, NON- DISCRIMINATION, ANTI- HARASSMENT AND COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

---

### A. General Provisions — Equal Opportunity and Non-Discrimination

1. The City of Kettering is an equal opportunity employer and does not discriminate on the basis of race, color, sex (including gender identity, sexual orientation and pregnancy), religion, age, national origin, genetic information, ethnicity, veteran or military status or disability in a qualified individual. Discrimination is against City policy, and may be a violation of the law. The City will not tolerate discrimination.
2. All allegations of discrimination or harassment, or requests from employees with disabilities regarding reasonable accommodation in the workplace, as well as complaints, questions or comments regarding issues related to this Policy, shall be promptly communicated by supervisors or Department Directors to the Human Resource Director or one of the Human Resource Managers.
3. Applicants/Employees with Disabilities — Non-Discrimination and Access
  - a. In addition to the City of Kettering's commitment to prohibit discriminatory or harassing conduct in the workplace, the City also complies with the Americans with Disabilities Act (ADA) and Ohio disability law. For the purposes of this Policy, the Human Resource Director is the designated **Title I ADA Coordinator** for all questions, comments or complaints regarding the application or employment of qualified individuals with disabilities, or alleged discrimination in employment, based upon a qualified applicant's or employee's disability or relationship or association with a person with a disability.
  - b. The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. All requests for reasonable accommodations should be made to the Human Resources Director or one of the Human Resources Managers.

### B. Harassment

1. Harassment. Harassment on the basis of race, color, sex (including gender identity, sexual orientation, and pregnancy), religion, age, national origin, genetic information, ethnicity, veteran or military status or disability has no place at the City. It is against City policy, and may be a violation of the law. The City will not tolerate harassment. Examples of conduct prohibited by this policy include using racial or ethnic slurs or offensive stereotypes and making jokes about these characteristics.
2. Sexual Harassment. One of the prohibited types of harassment is sexual harassment. No one may threaten or imply that an employee's submission to or rejection of sexual advances will in any way influence any decision about any terms or conditions of that employee's employment, and no one may subject an employee to any unwelcome conduct of a sexual nature. This includes both unwelcome physical conduct (such as touching, blocking, staring, making or displaying sexual drawings, etc) and unwelcome verbal conduct (such as sexual propositions, slurs, insults, jokes,

etc.). An employee's conduct will be unwelcome and in violation of the policy when the employee knows or should know it is unwelcome to the person subjected to it.

**C. Responsibility to Report/Complaint Procedure**

1. All employees of the City of Kettering are responsible for ensuring that discriminatory or harassing conduct does not occur in any form in the workplace. Any employee who experiences conduct believed to constitute harassment, or who observes such conduct, is **required to report** the incident immediately to a supervisor, Department Director, Human Resource Director, one of the Human Resource Managers, the Assistant City Manager or the City Manager. If the report is made to a supervisor or Department Director outside the Human Resource Department, the individual receiving the report shall promptly contact the Human Resource Director or one of the Human Resource Managers. No retaliation or other adverse action will be taken against any employee for making, in good faith, a complaint or report of harassment or discrimination or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons described above. Deliberately false accusations made in bad faith will result in disciplinary action, up to and including dismissal.
2. The City will investigate alleged acts of discriminatory or harassing conduct or retaliation and will take prompt disciplinary and remedial action if its investigation shows any violation of this policy. Appropriate disciplinary action will be taken for violation of this policy — up to and including dismissal.
3. If an employee experiences conduct believed to constitute harassment, he/she should consider verbally telling the offending employee to stop the offensive behavior, if he/she feels comfortable doing so.
4. Right to File a Grievance. Any employee who experiences conduct believed to constitute a violation of this policy may, in lieu of making a complaint, or in addition to making a complaint, file a grievance under Policy No. 702: Administrative Grievance Procedure at Step 1, Step 2, Step 3 or Step 4, or in a manner prescribed by the Grievance Procedure of an applicable bargaining agreement. Employees may file a grievance at any one of the Grievance Steps noted above. The grievance should be filed at the Step and with the person with whom the Grievant feels most comfortable. A grievance related to issues covered by this Policy shall promptly be communicated to the Human Resource Director or one of the Human Resource Managers.

All supervisors and Department Directors are responsible for ensuring that the employees under their supervision are informed of this Policy and that violation of this policy does not occur at any level within this organization. In turn, all employees are responsible for ensuring that their conduct on the job does not violate this policy.

The City Manager hereby delegates the appropriate responsibility and authority to administer this Policy to the City's Assistant City Managers and Department Directors.

Approved:

12/22/22  
Date

Mark Schwieterman  
Mark Schwieterman  
City Manager

Issued:

12-22-22  
Date

Jenny Smith  
Jenny Smith  
Human Resource Director