



CITY OF ANNAPOLIS  
DEPARTMENT OF HUMAN RESOURCES

EMPLOYMENT DISCRIMINATION  
HARASSMENT POLICY

August 2012

## **EMPLOYMENT DISCRIMINATION and HARASSMENT POLICY**

The City of Annapolis is committed to creating a workplace that is free of all employment discrimination and harassment based upon, Race, Color, Religion, Sex, Age, Family Status, National Origin, Marital Status, Disability, Genetic Information or Sexual Orientation. Such conduct, whether committed by employees, management personnel, vendors, citizens, members of the public or other non-employees, will not be tolerated. This policy governs conduct in the workplace and at all other work-related activities, such as business trips, and work-related functions.

### **VIOLATION OF POLICY**

Any person who violates this policy will be subject to discipline in accordance with federal and state laws and the City of Annapolis Code, and the City of Annapolis Rules and Regulations.

### **THE LAW - Federal and State Laws**

Title VII of the Civil Rights Act of 1964, as amended, Article 49B of the Annotated Code of Maryland, the Governor's Code of Fair Practices: Executive Order 01.01.01.16 and Maryland Executive Order 01.01.2007.09, prohibit any kind of discrimination, based on Race, Color, Religion, Sex, Age, Family Status, National Origin, Marital Status, Disability, Genetic Information or Sexual Orientation.

### **I. ONE TYPE OF ILLEGAL EMPLOYMENT DISCRIMINATION PROHIBITED BY LAW IS HARASSMENT**

A. Harassment in general, is defined, as any unwelcome oral/spoken, nonverbal, visual, or physical communication that charges falsely, makes fun of, or is abusive to or about an individual because of one or more of the categories set forth above, when:

1. Such conduct or communication has the purpose or effect of interfering with an employee's work or performance;
2. Such conduct creates an intimidating, hostile or otherwise offensive work environment.

B. Examples of Conduct Which May be Harassment, Based on One or More of the Categories Listed:

Oral or spoken: Comments, slurs, jokes, commentaries or names that demean, make fun of or offend an individual based on one or more of the categories listed within the definition of harassment;

Nonverbal: Leering, looking someone up and down, making sexual gestures;

Visual: Displaying offensive or sexual oriented objects, pictures, cartoons, posters or electronic programs;

Physical: Unwanted touching, impeding or blocking movement, any physical contact with normal work or movement, interference with equipment, tools or possessions, assault or attempted assault, sexual assault.

### **II. ANOTHER SPECIFIC FORM OF PROHIBITED EMPLOYMENT DISCRIMINATION IS SEXUAL HARASSMENT**

A. Sexual Harassment is specifically defined as unwelcome sexual advancements, request for sexual favors, and other verbal, physical, nonverbal or visual communication or conduct of a sexual nature, or conduct based upon an individual's sex (gender) when:

1. Submission to that conduct or communication is made either explicitly or implicitly a term or condition of employment; and
  2. Submission to or rejection of that conduct or communication is used as a basis for employment decisions affecting the employee.
- B. There are two types of Sexual Harassment: Quid Pro Quo and Hostile Work Environment:
1. Quid Pro Quo (exchanges something for something): Submission to or rejection of sexual advances is used as a bias for employment conclusions, such as: pay increases, hiring or firing, promotions, and/or performance appraisals.
  2. Hostile Work Environment: Sexual comments, physical touching, displaying of objects that “unreasonably interfere” with work performance or create an “intimidating, hostile or offensive” work environment.

The Supreme Court has ruled that an employer may be vicariously liable for a hostile work environment created by sexually harassing behavior on the part of the employer, the supervisor, or by another employee. (Vicariously – performed or suffered by one person as a substitute for another or to be the benefit or advantage of another).

### III. RESOLUTION PROCEDURES:

- A. Steps to be taken by an Employee/Individual who feels he or she is a victim of employment discrimination or harassment.

Unresolved conflicts and unpleasant working situations detract from our ability to serve the public. It is important that any issues of discrimination or harassment be identified and resolved promptly. In addition, there are legally mandated time limits, in some cases, in which a complaint must be filed or the victim will lose valuable legal rights and remedies.

The employee may file a complaint of discrimination alleging harassment with the City’s Equal Employment Opportunity (EEO) Administrator. Any employee who feels that she or he has witnessed or experienced harassment by a supervisor or senior management should discuss the matter immediately with the City’s Office of Human Resources or the EEO Administrator.

Other government channels to be exhausted prior to any court action should include the following: Conflict Resolution/Mediation, the Maryland Commission on Civil Rights (MCCR), and the Equal Employment Opportunity Commission (EEOC).

- B. Actions Employees Can Take to Improve the Work Environment:

Some harassment issues arise out of thoughtlessness or mis-communication, rather than intentional conduct, and thus can be avoided by developing a greater awareness regarding potentially offensive conduct and common communication errors:

Treat your fellow workers with respect.

Be aware that others may have different perspectives than you regarding what behaviors are appropriate, particularly with respect to such areas as touching, “personal space,” and discussion of personal topics (for example, family, dating, relationships, race, religion, sex, weight and physical characteristics);

Be aware that others may interpret your conduct differently than you intend it, particularly if they do not know you that well. For example, a co-worker may interpret a kind considerate statement or act as evidence that you are genuinely attracted to her or him; and

If you feel the actions of a co-worker are offensive and inappropriate, tell her or him. Take her or him aside, explain what you find inappropriate and why. In many cases, you may find that the co-worker didn't realize you were offended or may have misinterpreted your actions.

**C. Steps to be Taken by a Supervisor and Manager:**

Any supervisor who witnesses or learns of harassment on any of the categories previously listed, should immediately report the incident to the City's Employee Relations Administrator. The necessity of reporting the offending conduct immediately cannot be stressed more strongly. It becomes more difficult to determine exactly what happened and to remedy a situation if an employee waits before raising the issue. A manager must respect the employees' dignity:

Listen - Give genuine support;

Reassure: Assure the employee that the City will process the complaint seriously; and

Explain: The City of Annapolis must investigate the complaint, even though the employee may not wish to continue the complaint any further.

Disciplinary action will be taken against supervisors or managers who know of discrimination or harassment occurring and who fail to take prompt and appropriate action.

**IV. INVESTIGATION POLICY**

Once a complaint of employment discrimination as discussed above has been reported, the matter will be referred to the City's Employee Relations Administrator who will conduct an investigation. The type of investigation undertaken will depend on the nature of the complaint, which will normally involve interviews of the person(s) making the report, the person(s) accused of the conduct, and any necessary witnesses. Confidentiality will be maintained to the degree consistent with completing a full investigation of the reported conduct.

All employees are protected from retaliation as a result of reporting discrimination, or harassment or participating in an investigation of a complaint of discrimination or harassment. If an employee feels that she or he is being retaliated against because of a report or because of participation in the investigation, he or she must report this immediately to a supervisor, senior manager, or the City's Employee Relations Administrator. Also, if an employee feels that discrimination or harassment is continuing or starting again after discipline has been imposed or that retaliation is occurring because of the report or the discipline imposed, report this immediately to one of the persons named above.

**V. POTENTIAL PENALTIES**

Depending on the circumstances of each case and the seriousness of the offense, disciplinary action up to and including dismissal will be taken if it is found that discrimination or harassment has occurred.

Appropriate or corrective progressive disciplinary action will be taken if the investigation reveals that discrimination or harassment has occurred. In addition, the City may take corrective or disciplinary action in a situation where the investigation does not reveal illegal discrimination or harassment, but does reveal that the employee has engaged in conduct which is disruptive or inconsistent with the City's policies, goals or operation. Furthermore, the City may take corrective or disciplinary action in a situation where an employee has intentionally made false allegations of harassment against another individual.

Progressive disciplinary action up to and including dismissal will be taken against those who retaliate or threaten to retaliate against any person who files a complaint or assists in the investigation of a complaint.

**WHERE TO GO FOR HELP:**

City of Annapolis, Human Resources  
145 Gorman Street, 2nd Floor  
Annapolis, Maryland 21401  
Office: (410) 263-7998, [HumanRes@annapolis.gov](mailto:HumanRes@annapolis.gov)

Equal Employment Opportunity Commission  
Washington Field Office  
131 M Street, NE  
Washington, D.C. 20507  
1-800-669-4000, TTY:1-800-669-6820  
Fax: (202) 419-0740, [www.eeoc.gov](http://www.eeoc.gov)

Equal Employment Opportunity Commission  
Baltimore Field Office  
Crescent Building Field Office  
10 South Howard Street, 3rd Floor  
Baltimore, Maryland 21201  
1-800-669-4000, TTY:1-800-669-6820  
Fax: (202) 419-0740, [www.eeoc.gov](http://www.eeoc.gov)

Md. Commission on Civil Rights  
6 St. Paul Street, 9th Floor  
Baltimore, Maryland 21202  
(410) 767-8600 or 1-800-637-6247  
TTY: (410) 333-1814, [www.mccr.state.md.us](http://www.mccr.state.md.us)

Dept. of Labor, Licensing, & Regulations  
500 North Calvert Street  
Baltimore, Maryland 21202  
(410) 230-6001  
[www.dllr.state.md.us](http://www.dllr.state.md.us)

US Department of Labor (DOL)  
200 Constitution Avenue, NW  
Washington, D.C. 20210  
1-866-487-2365  
TTY: 1-877-889-5627  
[www.dol.gov/dol/oasam/crhome.htm](http://www.dol.gov/dol/oasam/crhome.htm)