



City of Pittsburgh
Operating Policies

Policy: No Discrimination/No Harassment/No Retaliation Policy and Reporting Procedure	Original Date: April 2002
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Disclaimer: No statements in this policy are intended or set forth as contractual commitments or obligations of the City to any individual employee or group of employees, or to establish an exception to the employment-at-will doctrine beyond that specified in the Civil Service Statutes and Rules or pertinent collective bargaining agreement. If there are differences between the various collective bargaining agreements and this policy, the pertinent collective bargaining agreement takes precedence.

INTRODUCTION

This booklet explains the City of Pittsburgh’s policy prohibiting discrimination, harassment or retaliation of employees or job applicants on any basis protected by federal, state or local law. If you believe you have experienced or witnessed such illegal treatment, utilize the Complaint/Report Procedure described in Section B. The City will take appropriate action to prevent discrimination, harassment and retaliation, and will protect the rights of employees who file complaints.

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NO DISCRIMINATION /
NO HARRASSMENT /
NO RETALIATION POLICY
AND
REPORTING PROCEDURE

A. PURPOSE

Because the City of Pittsburgh (“the City”) is an equal opportunity employer, it is the policy of the City that employees and applicants shall receive consideration and treatment consistent with all equal employment opportunity laws in all terms and all conditions of work. This includes a workplace free of discriminatory and harassing conduct as those terms are defined. The City does not discriminate against anyone on the basis on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age, or non-disqualifying physical or mental disability, or on any other basis protected by federal, state or local law.

The City strives to provide a work environment which promotes respect and in which each employee has the opportunity to develop to his or her full potential. Illegal discrimination, harassment and retaliation are strictly prohibited, not only because they violate the law, but also because they are contrary to the City’s interest in attracting, retaining and promoting the most talented, effective and dedicated employees.

The City has an internal Complaint/Report Procedure, described below in Section B, to address and resolve complaints of discrimination, including retaliation and harassment. Utilize it if you believe this Policy has been violated. The City will take appropriate action to prevent discrimination and to protect the rights of employees who file complaints.

1. DISCRIMINATION IS PROHIBITED

The City requires that all applicants and employees be treated as individuals, on the basis of their own qualifications, skills, abilities, conduct and performance. Discrimination on account of any status protected by law, including but not limited to those identified in the first paragraph above, is prohibited. This Policy applies to all employment practices, including recruitment, hiring, evaluation, promotion, transfer, discipline and termination, as well as to all forms of compensation and benefits.

All personnel working for the City, including contractors, students and volunteers, are required to comply with this Policy, including the Complaint/Report Procedure in Section B. All personnel must behave in a non-discriminatory and business-like manner in all dealings with co-workers and all non-employees of the City contacted in the course of employment. This Policy also prohibits discrimination and harassment by persons doing business with the City, including vendors.

2. HARASSMENT IS PROHIBITED

Additionally, this Policy prohibits harassment, both in the workplace and in other work-related activities, such as business trips and business-related meetings and social events. No employee should have to tolerate harassment of the types described in this Policy and the City takes allegations of harassment seriously. The City will promptly investigate all reports and complaints of prohibited harassment. If it is determined that inappropriate conduct has occurred, the City will take corrective and remedial action appropriate to the situation. *If you engage in harassment prohibited by this Policy, you will be subject to disciplinary action, up to and including discharge, without other warning.*

If you believe that you are being harassed or otherwise believe that this Policy has been violated, report the problem immediately using the Complaint/Report Procedure described in Section B.

a. Sexual Harassment is Prohibited

Sexual harassment in the workplace or in other work-related settings is illegal and is prohibited by this Policy. Sexual harassment is typically defined as unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature, when:

- Submission to that conduct is made explicitly or implicitly a term or condition of employment; or
- Submission to or reject of that conduct is used as a basis for employment decisions; or
- The conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

For the purpose of this Policy, "unwelcome" means "unwanted." An employee should never assume that any such conduct is welcomed by others.

Under the definition given above, sexual harassment includes a direct or implied request by a supervisor for sexual favors in exchange for favorable job action (such as a favorable review, a salary increase or promotion) or in exchange for avoiding unfavorable job action (such as demotion, discipline or discharge). Any such requests is strictly prohibited, and will result in disciplinary action or discharge, without prior warning. **If any supervisor or manager makes any such direct or implied request to you, report it at once as described below in Section B.** The City will take actions appropriate to protect you from further harassment and retaliation.

The legal definition of sexual harassment also includes other types of conduct. While it is not possible to describe all circumstances which may constitute sexual harassment, the following are examples of conduct which, if unwelcome, may constitute sexual harassment, depending upon the totality of the circumstances, including the severity and pervasiveness of the conduct:

- Sexual advances and propositions, with or without physical contact;
- Making or threatening reprisal for a negative response to sexual advances;
- Sexual epithets and jokes and written or oral remarks about: your own or someone else's sex life, body or sexual activities, sexual deficiencies or prowess;
- Displaying or circulating obscene or sexually suggestive objects, pictures, cartoons, internet materials or screen-savers;
- Gossip or questions about someone's sexual experiences or orientation or talking about your own sexual experiences;
- Assaults, pinching, hugging, kissing or touching of an offensive or sexual nature or rubbing up against the body or impeding or blocking movement;
- Leering, wolf whistles, catcalls, sexual slurs or gestures, or sexually suggestive, insulting or degrading comments;
- Sexually suggestive or obscene letters, notes, e-mails or invitations;
- Requests by a supervisor or manager to a subordinate for a date or to have a sexual relationship;
- Repeated flirtation, requests for dates and the like by anyone to someone who has indicated that such attentions are not welcome.

Whether such conduct is deemed to be illegal or not, unwelcome and offensive conduct of these types by any man or woman toward anyone (including someone of the same gender) is prohibited by this Policy. *Do not engage in such conduct. If you do, you will risk losing your job and may be held personally liable for money damages.*

If anyone says or does these things to you or in your presence or hearing and it bothers you, report it immediately, as provided in the Complaint/Report Procedure described below in Section B.

b. Other Types of Harassment are Prohibited

Not all harassment is sexual. This Policy also prohibits verbal or physical harassment of any person because of his or her race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age (40 or over), disability or other protected status or exercise of legal rights, including the right to report violations of this Policy, where such conduct is unwelcome and has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Whether any such conduct is deemed to be illegal or not, conduct such as that described below is prohibited:

- Epithets, slurs, ridicule, insults, or threatening, intimidating or hostile acts, including those that purport to be "jokes" or "pranks", made to or about someone because of his or her membership in a protected class or exercise of legal rights;

- Stereotyping or offensive comments, cartoons, pictures or objects (such as swastikas or KKK paraphernalia) that denigrate or insult members of a protected class or those who exercise legal rights;
- Demeaning, hostile or derogatory remarks directed at someone because of his or her protected class status or exercise of legal rights;

These are just some examples of conduct which may constitute harassment, depending upon the totality of the circumstances, including the severity and pervasiveness of the conduct. *Do not engage in such conduct. If you do, you will risk losing your job and may be held personally liable for money damages.*

If anyone says or does these things to your or in your presence or hearing, report it immediately, as provided below in the Complaint/Report Procedure described in Section B.

3. RETALIATION IS PROHIBITED

The City also forbids retaliation against employees because they have properly exercised their legal rights (such as the right to a leave of absence from work granted by the Family and Medical Leave Act or the right to file a complaint with a government agency), or because they have reported any violation of this Policy or otherwise have opposed, in a non-disruptive manner, actions they reasonably believe to constitute unlawful discrimination, retaliation or harassment.

Illegal discrimination or retaliation against any employee or citizen or anyone else is strictly prohibited. If you violate this Policy or any equal opportunity law, you will be subject to disciplinary action, up to and including discharge, without other warning and may incur legal liability.

If you believe you have been retaliated against in violation of this Policy, report it immediately as described in Section B.

4. REASONABLE ACCOMMODATION IS REQUIRED FOR DISABILITIES

The City makes reasonable accommodations for the known disabilities of otherwise qualified applicants and employees. **If, because of a disability you need job accommodations, contact the Director of Personnel and Civil Service Commission at (412)255-2717 or the Department of Personnel and Civil Service Assistant Director – EEO Officer at (412)255-2519.** It is a violation of this Policy to discriminate against qualified job applicants or employees because they need, or may need, a reasonable accommodation for a disability. *Violations of this Policy will be subject to disciplinary action, up to and including discharge, without further warning.*

If you believe that you have been discriminated against or retaliated against in violation of this Policy, or otherwise believe that this Policy may have been violated, report the problem at once in accordance with the Complaint/Report Procedure described in Section B. The City takes all reports of discrimination and retaliation seriously. The City will promptly investigate the situation and will take any and all corrective and remedial action determined to be appropriate.

5. REASONABLE ACCOMMODATION IS REQUIRED FOR RELIGIOUS BELIEFS

The City makes reasonable accommodations for the known bona fide religious beliefs of otherwise qualified applicants and employees. **If, because of a religious belief, you need job accommodations, contact the Director of Personnel and Civil Service Commission at (412)255-2717 or the Department of Personnel and Civil Service Assistant Director – EEO Officer at (412)255-2519.** It is a violation of this Policy to discriminate against qualified job applicants or employees because they need, or may need, a reasonable accommodation for religious beliefs. *Violations this Policy will be subject to disciplinary action, up to and including discharge, without further warning.*

If you believe that you have been discriminated against or retaliated against in violation of this Policy, or otherwise believe that this Policy may have been violated, report the problem at once in accordance with the Complaint/Report Procedure described in Section B. The City takes all reports of discrimination and retaliation seriously. The City will promptly investigate the situation and will take any and all corrective and remedial action determined to be appropriate.

B. COMPLAINT / REPORT PROCEDURE

Under this policy, all employees share responsibility for assuring that the workplace is free from all forms of harassment, discrimination and retaliation. If you believe that a violation of any part of this Policy has occurred, you must report the problem as quickly as possible. Make your report of the situation to:

Discrimination/Harassment/Retaliation Investigation Unit
Office of Municipal Investigations
2608 Penn Avenue
Pittsburgh, PA 15222
(412)255-2804

Reports may be received between the hours of 7 a.m. and 5 p.m. Monday through Friday. If an employee is unable to make a report during these times, the Discrimination/Harassment/Retaliation Investigation Unit will make arrangements to receive a complaint after these designated hours. **In the alternative, employees may report Policy violations directly to their Department Director or Bureau Chief.** To report a violation of this Policy, you should disregard and ignore general chain of command requirements and contact your Director or Chief, listed below, as quickly as possible:

DEPARTMENT	BUREAU	POSITION
Citizen Review Board		Executive Director
City Clerk's Office		City Clerk
City Controller's Office		City Controller
City Information Systems		Director & Chief Information Officer
City Planning		Director
Equal Opportunity Review Commission		Manager
Finance		Director
Human Relations		Director
Law		Solicitor
Mayor's Office		Chief of Staff
Mayor's Office		Director of Operations
Mayor's Office		Mayor
Office of Municipal Investigations		Manager
Parks and Recreation		Director
Personnel & Civil Service Commission		Director
Public Safety		Director
Public Safety	Building Inspections	Chief
Public Safety	Emergency Medical Services	Chief
Public Safety	Fire	Chief
Public Safety	Police	Chief
Public Works		Director

If you choose to discuss the problem first with your supervisor or someone else in your direct chain-of-command and do not get a prompt or satisfactory response, contact the Discrimination/ Harassment/Retaliation Investigation Unit or your Director or Chief immediately. If you are uncomfortable for any reason discussing the matter with the Discriminating/Harassment/ Retaliation Investigation Unit or with your Director or Chief, or you are not satisfied after bringing the matter to their attention, you may by-pass them and instead report the matter promptly to the Manager of the Office of Municipal Investigations, 2608 Penn Avenue, Pittsburgh, PA 15222, (412)255-2804.

Workforce Investment Act/Pittsburgh Partnership participants and applicants should contact the WIA EEO/Grievance Officer, Room 405, City-County Building (412)255-8912.

C. REPRISAL IS PROHIBITED

It is a violation of this Policy for any employee who learns of any report, complaint or investigation pursuant to this Policy to retaliate against the person who made the report, or against anyone involved in the investigation, on the basis of his or her good faith use of the Complaint/Report Procedure or on the basis of his or her cooperation in the investigation.

D. MANAGEMENT RESPONSIBILITIES

1. TO REPORT COMPLAINTS OF DISCRIMINATION, HARASSMENT AND RETALIATION

Every City Director, Bureau Chief, Assistant Director, Manager or Supervisor is required to report, immediately and in full detail:

- a. **Every report or complaint of discrimination, harassment and/or retaliation made orally or in writing by any employee, regardless of whether the employee reports directly to you and regardless of whether the employee expressed a desire to make a “formal” complaint; and**
- b. **Any situation which may be a violation of this Policy or of any employment law.**

Management personnel must report such matters to the Discrimination/Harassment/ Retaliation Investigation Unit, or to the Manager of the Office of Municipal Investigations, 2608 Penn Avenue, Pittsburgh, PA 15222, (412)255-2805 or (412)255-2804.

2. TO REPORT EMPLOYEES’ REQUESTS FOR REASONABLE ACCOMMODATION

Every City Director, Bureau Chief, Assistant Director, Manager or Supervisor is required to immediately report any employee request for reasonable accommodation to

the Director of the Department of Personnel and Civil Service Commission at (412)255-2717. A request for reasonable accommodation includes:

- a. Any employee's statement that he or she needs an adjustment in hours or work duties due to a serious health condition or because of his or her religious beliefs or practices;
- b. Any employee's statement that he or she is having difficulty doing the job because of a serious health condition or a disability; and
- c. The supporting documentation from the physician of the employee.

3. TO ENFORCE AND COMPLY WITH THIS POLICY

Management personnel must comply with and enforce all aspects of this Policy and must fully cooperate in the City's investigative, remedial and corrective actions. Management personnel must not interfere or attempt to interfere with or to prevent any employee's effort to make a complaint or report under this Policy. Failure by any management personnel to comply with these responsibilities is a violation of this Policy and will result in disciplinary action, up to and including discharge, without other warning. A supervisor who violates this Policy may also be held personally liable for money damages.

E. EMPLOYEE RESPONSIBILITIES

All employees must comply with this Policy and report any violation of this Policy as provided in Section B. All employees are required to cooperate fully in any preventative, investigative, remedial and corrective actions taken by the City. Failure to fulfill these responsibilities is a violation of this Policy and will result in disciplinary action, up to and including discharge, without other warning.

F. INVESTIGATION OF REPORTS AND COMPLAINTS

All reports of harassment, discrimination and retaliation made pursuant to this Policy will be promptly investigated. Such investigations are to be conducted by or under the direction of the Manager of the Office of Municipal Investigations. All such investigations will be conducted in as confidential a manner as is consistent with a proper investigation and to the extent practical under the circumstances. The City's investigation typically will include private interviews with the person(s) who made the report, with any witnesses and with the person(s) alleged to have violated this Policy. When the investigation has been completed, the City will, to the extent appropriate, inform the person(s) who made the report and the person(s) alleged to have violated this Policy of the results of the investigation. The City may also inform other appropriate persons, such as those involved in taking corrective or remedial action.

G. CORRECTIVE AND REMEDIAL ACTION

If it is determined that a violation of this Policy or of the law or other inappropriate conduct has occurred, the City will take actions appropriate under the circumstances to punish the misconduct and to otherwise remedy the situation. Remedial action is intended to prevent future violations and to undo the effects of the violation of this Policy and will vary depending on the situation. Such action for any violation of this Policy may range from counseling and/or training to discharge, and may include any other form of corrective action the City deems to be appropriate under the circumstances.

H. FEDERAL, STATE AND LOCAL LAWS

Federal, state and local laws prohibit illegal discrimination, harassment and retaliation. If you believe that you have been subjected to illegal discrimination, harassment or retaliation and you are dissatisfied with the City’s response to your complaint or otherwise wish to do so, you may file a charge of discrimination with any of the following agencies within the respective time frames:

<p>Pennsylvania Human Relations Commission Pittsburgh Regional Office Piatt Place 301 Fifth Avenue, 3rd Floor, Suite 390 Pittsburgh, PA 15222 (412)565-5395</p> <p>Filing Time Frame: Up to 180 days from date of the alleged occurrence</p>	<p>Office of Federal Contract Compliance U.S. Department of Labor 1000 Liberty Avenue, Suite 2103 Pittsburgh, PA 15222 (412)395-6330</p> <p>Filing Time Frame: (only if contractor receives federal funds) Up to 180 days from date of alleged occurrence</p>
<p>Pittsburgh Commission on Human Relations 908 City-County Building Pittsburgh, PA 15219 (412)255-2600</p> <p>Filing Time Frame: Up to one year from date of alleged occurrence</p>	<p>Equal Employment Opportunity Commission Pittsburgh Regional Office 1000 Liberty Avenue, Suite 1112 Pittsburgh, PA 15222 (800)669-4000 or (866)408-8075</p> <p>Filing Time Frame: Up to 300 days from date of alleged occurrence</p>

I. QUESTIONS?

Any questions concerning this policy should be directed to the Discrimination/Harassment/Retaliation Investigation Unit, (412)255-2805.