

CITY POLICY

SUBJECT: HR 27.0 DISCRIMINATION AND RETALIATION COMPLAINT POLICY

EFFECTIVE:2/28/00
REVIEWED/no revisions:3/28/05
REVISED:10/20/09
REVISED:3/12/10
REVISED:4/01/20

APPROVED:  DATE: April 2, 2020
Peter Zanoni, City Manager

I. PURPOSE

The purpose of this policy is to provide a uniform procedure for consistent, fair, and timely resolution of the discrimination and retaliation complaints of City employees.

II. SCOPE

This policy applies to all City employees, including part time employees, temporary employees and volunteers.

To avoid duplication, to the extent Civil Service Rules, Collective Bargaining Agreements, Police Rules and Regulations, and Fire Rules and Regulations conflict with this policy, those rules shall control including complaint procedures, investigation, disciplinary demotions, suspensions, or terminations.

III. PROHIBITIONS UNDER THIS POLICY

The City of Corpus Christi is committed to providing a workplace free from discrimination. As such, the City of Corpus Christi prohibits discrimination against any applicants, employees, volunteers, or independent contractors by supervisors, co-workers, customers, vendors, agents and any other third parties.

Discrimination occurs when an individual is subject to an adverse employment action because of the individual's membership in a protected category. Protected categories include race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or certain classifications based on genetic information, or any other characteristic protected by federal, state, or local law.

Although not an exhaustive list, below are examples of conduct that could constitute discrimination pursuant to federal laws and this policy:

Harassment on the basis of race, color, religion, sex, national origin, disability, genetic information, or age;

Retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;

Employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, or ethnic group, or individuals with disabilities, or based on myths or assumptions about an individual's genetic information; and

Denying employment opportunities to an individual because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability, or because of participation in schools or places of worship associated with a particular racial, ethnic, or religious group.

IV: COMPLAINT PROCEDURE

If an individual believes that he or she or any other individual has been subjected to discrimination in violation of this policy, whether by an employee or non-employee, the individual must promptly report the facts and names of the individuals involved to Director of Human Resources, or designee. The Director of Human Resources shall cause the matter to be promptly investigated.

V. INVESTIGATION

The City of Corpus Christi takes complaints of discrimination very seriously. As a result, all complaints of discrimination made pursuant to this policy will be thoroughly and promptly investigated. In the course of any such investigation, the City of Corpus Christi will take appropriate measures to maintain the confidentiality of the participants to the extent possible. Although it may be necessary to divulge some information to ensure that a fair investigation is conducted, the City of Corpus Christi will limit information to only those individuals with a need to know of the complaint or of the investigation.

VI. NO RETALIATION

All parties contacted in the course of a discrimination investigation will be expressly reminded that the City of Corpus Christi will not tolerate retaliation in any form against any individual who believes or is concerned that discrimination has occurred and reports such conduct pursuant to this policy. Moreover, the City of Corpus Christi will protect any individual who participates in any discrimination investigation from any resulting retaliatory conduct. If an individual believes that he or she is experiencing retaliation as a result of having made a complaint pursuant to this policy or having participated in a discrimination investigation, he or she must promptly report the facts and names of the individuals involved to the Department Director of the Human Resources Director, or designee.

V. DISCIPLINARY STATEMENT

If an investigator concludes that conduct in violation of this policy has occurred, the offending individual(s) will be subject to corrective action, including formal discipline, up to and including termination of employment. Please note that the City of Corpus Christi's Discrimination Policy may be construed to be more protective of employees than the law requires. Regardless, the City of Corpus Christi will discipline any individual who violates this policy even if such conduct does not rise to the level of a violation of the law.

VI. DOCUMENTATION AND NOTIFICATION OF INVESTIGATION

All complaints, allegations, written finding, and remedial action shall be thoroughly documented on forms and in a manner designated by the Director of Human Resources. The complainant and/or victim will be notified of the outcome of the investigation and remedial action.

IV. QUESTIONS REGARDING THIS POLICY

Questions regarding this policy shall be directed to the Human Resources Director, or designee, at 361/826-3315.

ACKNOWLEDGMENT FORM
HR 27.0 DISCRIMINATION AND RETALIATION COMPLAINT POLICY
CITY OF CORPUS CHRISTI

I have received a copy of HR 27.0 Discrimination and Retaliation Complaint Policy revised March 25, 2020. I understand that compliance with this policy is a condition of employment. I understand that the City of Corpus Christi considers discrimination and retaliation to be grave acts of misconduct and, if an investigation of allegations conducted by the City of Corpus Christi determines that an employee has discriminated or retaliated against another in violation of this policy, may subject the perpetrator to disciplinary action up to, and including, termination.

I understand that this policy prohibits discrimination and retaliation based on race, color, religion, sex, pregnancy, age, national origin, military status citizenship, work related injury or illness, disability, or genetic information in promotion, transfer, compensation, terms, conditions, or privileges of employment. I understand that this policy also covers claims that an employee is being retaliated against for reporting a violation of law (Whistleblower), opposing unlawful discriminatory employment practices, making a good faith complaint under this policy, or for participating in the investigation of such a complaint.

I agree to comply with this policy. I understand that:

1. if I feel I have been discriminated or retaliated against in violation of this policy, I should immediately report the alleged harassment to my department Director or the Director of Human Resources, or designee;
2. if I make a complaint to my department Director, it will be promptly forwarded to the Director of Human Resources; and
3. I understand that I should not assume that the City is aware of a problem, and I must bring my complaints and concerns to the attention of my department Director or the Director of Human Resources so that steps can be taken to correct them.

I understand that the investigation of a complaint may necessitate divulging information to individuals who are directly named in the complaint, or who may have witnessed the alleged discrimination and/or retaliation, or others with a need or right to know. I understand that under existing Texas law, confidentiality cannot be assured, and requests may have to be referred by the City of Corpus Christi to the Attorney General.

I further understand that retaliation, in any form, against me for reporting a complaint in good faith under this policy, or for assisting in the investigation of such a complaint, is prohibited. I understand that I should immediately report any incident of retaliation in writing to the Director of Human Resources, or designee.

I understand that I can have my questions regarding this policy answered by calling the Director of Human Resources, or designee, at (361) 826-3315.

Employee's Signature

ID#

Date

Employee's Name Printed