



CITY OF PETERSBURG – OFFICE OF THE CITY MANAGER

Administrative Regulation Number 6.2 – Page 1 of 5

TITLE: ANTI-DISCRIMINATION & ANTI-RETALIATION - EFFECTIVE DATE: November 15, 2021

Supersedes: AR#PP-003-88 (Equal Employment Opportunity) - Dated 2/1/1989

PURPOSE: The purpose of the Administrative Regulation is to set forth the City's policy in which all employees are treated with respect and dignity is committed to providing a work environment free from discriminatory and retaliatory practices. The City's expectation is that all relationships among persons in the workplace will be business-like and free of bias, prejudice, discrimination and retaliation.

APPLIES TO: This Administrative Regulation (AR) applies to aspects of the relationship between the City and its applicants and/or employees, including but not limited to, recruitment, employment, promotion, transfer, training, working conditions, wages and salary administration, employee benefits, and the application of policies.

I. POLICY

- A. The City of Petersburg is committed to providing equal employment opportunity for all employees and applicants regardless of race, color, religion, gender, sexual orientation, age, disability, marital status, citizenship, military status, genetic information or any other characteristic protected by law. An act of discrimination is a serious offense. Any employee who engages in such conduct or encourages such behavior by others shall be subject to disciplinary up to and including dismissal from City service.
- B. The City of Petersburg is committed to prohibiting retaliation against those who report, oppose, or participate in the investigation of alleged wrongdoing in the workplace. The City of Petersburg is committed to complying with all laws, and to providing a workplace conducive to open discussions of its policies and practices. The City encourages its employees to make good faith inquiries regarding conduct they believe may be unethical and/or illegal, and to disclose work-related misconduct. Retaliation as a response to such inquiries or disclosures constitutes a serious violation of City policy and will not be tolerated.

The City of Petersburg has zero-tolerance for any form of retaliation against an employee who either complains about discrimination or who participates in any investigation concerning discrimination.

II. PROCEDURE

A. Unacceptable Behaviors or Conduct

Unlawful discrimination is a serious offense. Any employee who engages in such conduct or encourages such behavior by others shall be subject to disciplinary action, including possible dismissal from the City service. By way of illustration, but not limitation, the following shall constitute inappropriate workplace behavior: Discrimination may take many forms, including but not limited to:

1. Disparaging remarks (written or verbal) of a discriminating nature. Includes slurs targeted towards a protected category;
2. Jokes targeting a protected category, as well as jokes or comments of a discriminatory nature;
3. Posters, flyers, personal attire, etc., designed to promote discrimination against a protected category;



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4. Disparate treatment of individuals in the protected categories involving recruitment, promotional opportunities, working conditions, and application of the policies, procedures, and regulation.

Retaliation may take many forms; prior complaints may include but not limited to:

1. Discrimination, harassment including sexual harassment and all other categories (race, national origin, age, gender, sex, pregnancy, disability, and religion, citizenship status, genetic information and veteran's status)
2. Health and safety issues
3. Workers compensation claims
4. Unemployment Hearings
5. Whistleblower status
6. Refusal of law, code of ethics or policy violations
7. Violations of the Fair Labor Standards Act.

No employee shall retaliate against another person in whole or in part because he or she has disclosed alleged wrongful conduct to a public body or to a supervisor or other city officials. Any employee who is found to be in violation of this policy shall be subject to disciplinary action up to and including termination.

B. Reporting (Complaint) Procedures

1. In addition to the avenues of redress available through the U.S. Equal Employment Opportunity Commission, effective relief may also be available within City government through the Department of Human Resources; or a classified City employee may participate in the City's grievance process.
2. Employees may file a complaint in person, by telephone, or in writing. Employees are encouraged to file a complaint immediately in an effort to promptly address the matter. When appropriate, informal means to resolve discrimination complaints will be taken.
3. If a supervisor or manager becomes aware that discrimination is occurring, either from personal observation or as a result of an employee coming forward, the supervisor or manager should immediately report it to HR.
4. Upon receiving the complaint, or being advised by a supervisor or manager that violation of this policy may be occurring, HR will review the complaint and initiate an investigation as warranted.

C. Investigation Procedures

Complaints initiated by an employee on matters believed to be in violation of this policy will be investigated if warranted.

1. Complaints will be investigated promptly. If the complaint is brought anonymously, the City will investigate but may be limited in its ability to investigate the matter fully.



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2. An employee accused of violating this policy will be fully informed of the allegations and will be able to offer an explanation or defense to the charges prior to any report being prepared. Absolute confidentiality cannot be legally guaranteed; however, the City will make every effort to preserve the confidentiality of all information. All employees are charged with maintaining confidentiality.
3. Employees who file a complaint or participate in an investigation shall not be subject to any form of retaliation because of such complaint. If anyone believes he/she is suffering from retaliation, a report should be made to their immediate supervisor or manager or the Department of Human Resources. Those found to be acting in a retaliatory manner will be disciplined for such conduct.
4. Appropriate discipline will be taken against those who violate this policy. Such discipline will be consistent with the City's disciplinary policies and may include such sanctions as dismissal, demotion, transfer, suspension, and written reprimand. Interim actions may be taken when there is reasonable belief that the employees involved in the complaint may be adversely affected by the status quo. The appropriate action will depend on the following factors:
 - a. The severity, frequency and pervasiveness of the conduct;
 - b. Prior complaints made by the complainant;
 - c. Prior complaints made against the respondent;
 - d. The quality of the evidence (firsthand knowledge, credible corroboration etc.).
5. If it is determined that the discrimination in violation of this City policy has occurred, the Director of Human Resources will work with the Agency Director to determine the appropriate disciplinary action to be taken. If the Agency Director is responsible for the harassment or discrimination, the Director of Human Resources will work with the City Manager to determine the appropriate disciplinary action to be taken.
6. If the investigation is inconclusive or it is determined that there has been no discrimination in violation of this Policy, but some potentially problematic conduct is revealed, preventative action may be taken.
7. After the investigation is concluded, HR will notify the complainant and the respondent, of the findings of the investigation and the actions taken respectively for each party.

III. DEFINITION

Discrimination is the prejudicial treating of a person or a group of people less favorably because of his or her status as a member of a protected class or category.

IV. RESPONSIBILITIES

The City and its agents have a duty to promptly investigate allegations of discrimination and, when appropriate, take corrective actions.



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A. Supervisors/Managers

1. Managers or supervisors who allow discrimination to continue or who fail to report or take appropriate corrective action shall be considered a party to the act or behavior, although they may not behave in such a manner. Such managers and supervisors shall be subject to corrective action. Depending upon the circumstances, such corrective measures may result in demotion from a supervisory position or dismissal from City service.
2. In an effort to avoid and eliminate discrimination and or retaliation, the management of each agency shall take affirmative steps to sensitize all its employees to the nature of any form of unlawful harassment and express strong disapproval of such conduct. These efforts are subject to the approval of the Department of Human Resources. These steps shall include, but are not limited to:
 - a. The communication and distribution of this official City policy to all City employees.
 - b. Monitoring the workplace for potential incidents of harassment or discrimination.

B. Department of Human Resources

1. The Department of Human Resources shall be responsible for updating and providing oversight to Agencies in the implementation of this policy.
2. The development and implementation of on-going training and education programs to ensure that all managers, supervisors, and employees clearly understand that discrimination in the workplace will not be tolerated.
3. The Department of Human Resources will be available to provide resources to aid in resolution including but not limited to: mediation and conflict resolution.

V. AUTHORITY

Title VII of the Civil Rights Act of 1964, as amended
Age Discrimination Employment Act, as amended
Americans with Disabilities Act, as amended
Equal Pay Act, as amended
Immigration Reform and Control Act, as amended
Genetic Information Nondiscrimination Act, as amended
Uniformed Services Employment and Reemployment Rights Act, as amended
Any other applicable federal, state or local laws

In situations where this policy is at variance with federal, state or local laws, such laws shall govern.



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VI. REGULATION UPDATE

The Office of the City Manager and the Department of Human Resources shall be responsible for modifications to this policy.

APPROVED:

Arant Juille

City Manager

11/15/21

Date