
 <b>MUNICIPALITY OF ANCHORAGE MAYOR'S DIRECTIVE</b>	P&P No. <b>40-38</b>	Page 1 of 4
	Effective Date: <b>June 8, 2018</b>	
Subject: <b>Unlawful Discrimination and Harassment</b>	Supercedes No. 20-1, 40-16	Dated: 8/10/92
	Approved by: 	

1. PURPOSE

To establish the policy regarding unlawful discrimination and harassment by Municipal employees towards other Municipal employees.

2. POLICY

It is the policy of the Municipality to provide a harmonious work environment free from discrimination or harassment. Discriminating against or harassing employees, applicants, or interns because of their race, color, religion, national origin, age, sex, sexual orientation, gender identity, marital status, or physical or mental disability, or other protected class under the law is prohibited and unlawful.

The Municipality expects any employee who believes they are being discriminated against or harassed in the workplace by another employee, or any employee who observes such behavior, to promptly report it to any supervisor, the Office of Equal Opportunity (OEO), or Employee Relations.

Retaliation is prohibited against an employee for reporting such incidents or participating in an investigation.

3. ORGANIZATIONS AFFECTED

All Municipal Agencies.

4. REFERENCES

- a. Municipality of Anchorage EEO/AA Policy Statement.
- b. Municipal Operating Policy/Procedure 40-37, Policy Against Workplace Bullying.
- c. Anchorage Municipal Code 3.30, Personnel Rules.
- d. Anchorage Municipal Code 5, Equal Rights.

5. DEFINITIONS

- a. Employee: any person in the employ of the Municipality who is subject to the personnel rules, has been hired in accordance with those rules, and whose activities are directed by

the Municipality. For the purpose of this policy only, the term “employee” includes unpaid interns and volunteers.

- b. Discrimination: the unequal treatment of employees with respect to the terms and conditions of their employment, based on their membership in a protected class.
- c. Harassment: unwelcome visual, verbal, or physical conduct engaged in on account of a person’s actual or perceived membership in a protected class.
- d. Sexual Harassment: unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

Although the law doesn’t prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

- e. Retaliation: materially adverse action taken against an employee who is reasonably opposing unlawful discrimination, harassment, or retaliation or because the employee has made a charge, testified, assisted, or participated in an investigation, proceeding, or hearing concerning illegal discrimination, harassment or retaliation.
- f. Office of Equal Opportunity (OEO): a Municipal Office which provides information and assistance to employees who believe they have been discriminated against or harassed by another employee. OEO is a part of the Municipality and is not a Compliance Agency.
- g. Compliance Agency: a local, state, or federal agency empowered by statutes, ordinances or regulations to investigate complaints of discrimination.

The following are Compliance Agencies: the Alaska State Commission for Human Rights (ASCHR); the Anchorage Equal Rights Commission (AERC); the Federal Equal Employment Opportunity Commission (EEOC); and, the Office of Federal Contract Compliance Programs (OFCCP). Other federal agencies have certain investigative responsibilities on matters relating to grants or programs that they administer.

- h. Complaint: a Complaint filed with a Compliance Agency.

## 6. RESPONSIBILITIES

- a. Each agency head shall:
  - i. Ensure that all employees are familiar with this policy.

- ii. Report allegations of discrimination or harassment to the Employee Relations Department.
- b. OEO shall:
  - i. Assist employees in informally resolving allegations of discrimination or harassment. If an allegation of discrimination or harassment cannot be resolved informally within 30 calendar days of the employee bringing the matter to OEO, then the jurisdiction of OEO terminates. Absent resolution, OEO will promptly notify the Employee Relations Department or the Municipal Attorney of the alleged discrimination or harassment.
  - ii. Assist the Employee Relations Department with investigations of alleged discrimination or harassment upon notification by the Employee Relations Department.
- c. The Employee Relations Department shall:
  - i. Review allegations of discrimination or harassment, and investigate when appropriate with the assistance of OEO.
- d. The Municipal Attorney's Office shall:
  - i. Assist the Employee Relations Department and OEO with allegations of discrimination or harassment upon request.
  - ii. Be responsible for any Complaints received from Compliance Agencies.

## 7. DUTY TO REPORT

- a. Employees: All employees are expected to report conduct believed to constitute discriminatory, harassing, or retaliatory behavior by one employee towards another employee, including instances directed at them or instances directed at co-workers, to their supervisor, OEO, or to the Employee Relations Department.
- b. Supervisor: If an allegation is made to a supervisor, or if a supervisor becomes aware of potential discrimination, harassment, or retaliation, the supervisor must promptly report it to the Employee Relations Department.
- c. Retaliation: Retaliation against an employee who reports, files a Complaint of, or otherwise opposes conduct the employee reasonably believes to be unlawful discrimination, harassment, or retaliation, or assists in the investigation of a Complaint, is prohibited.
- d. Leave: A request to use leave must be made to the employee's supervisor before the employee reports the allegations to OEO if made during the employee's scheduled work

hours. An employee may request administrative leave to report allegations of discrimination or harassment to OEO. The Employee Relations Director and the OEO Director will work together to determine the appropriate amount of administrative leave.

#### 8. COMPLIANCE AGENCIES

Employees have the option to file a Complaint with a Compliance Agency. Contact the Compliance Agencies for information about Complaint procedures and filing deadlines.

If an employee files a Complaint with a Compliance Agency, the Municipal Attorney's Office will be responsible for responding to the Complaint and working with the Compliance Agency to resolve the matter.

Employees will not be granted administrative leave to file a Complaint with a Compliance Agency. The employee will also not be granted administrative leave for any subsequent meetings, fact-findings, mediations, or other matters related to their Complaint.

#### 9. ANNUAL REVIEW DATE/LEAD REVIEW AGENCY

The Employee Relations Department will review this document annually.