



Human Resources

Policy: Equal Employment Opportunity

Statement of Policy

The City of Pleasanton is committed to the policy of equal employment opportunity. Toward this end, the City seeks to establish and maintain an employment environment and an employment system free from discrimination. City employment policies, procedures, decisions, and actions are to be free of discrimination on the basis of age (over 40), sex (including gender and pregnancy), race, religion, color, national origin, ancestry, disability, marital status, medical condition, or sexual orientation, gender identification, perception that an individual has one of these characteristics, or association with individuals with these characteristics. This Equal Employment Opportunity Policy is adopted in furtherance of the City's commitment to equal employment.

Employees found to have engaged in such discrimination will be subject to disciplinary action up to and including termination. Furthermore, any employee found to have engaged in retaliatory conduct against an employee filing a charge of discrimination shall also be subject to disciplinary action up to and including termination. Additionally, the City of Pleasanton will not tolerate any such discrimination directed at an employee from any outside party including customers, vendors, etc.

The City of Pleasanton has a zero tolerance for any conduct that violates this Policy. Conduct need not rise to the level of a violation of law in order to violate this Policy. A single act may constitute a violation of this Policy and provide grounds for discipline or other appropriate sanctions.

Statement of Responsibilities

To fulfill the City's commitment to equal employment opportunity, the staff of the City is assigned the following responsibilities:

Management Responsibilities

1. Communicate to all employees the City's commitment to equal opportunity.
2. Ensure through periodic review and analysis that all employment policies and procedures not establish or maintain artificial barriers to equal opportunity.
3. Ensure all employment decisions and actions do not discriminate unlawfully against any person.

4. Ensure employees do not engage in unlawful discriminatory practices.
5. Investigate promptly complaints of discrimination and take corrective action when appropriate.
6. Prevent retaliation against employees who have made complaints of discrimination and follow-up with those who have complained to ensure that the behavior has stopped.

Employee Responsibilities

1. Not engage in acts of unlawful discrimination.
2. Report any acts of discrimination to his/her supervisor.
3. Fully cooperate with the City of Pleasanton's investigations by responding fully and truthfully to all questions posed during an investigation.

Dissemination of Policy

The City's Equal Employment Opportunity Policy shall be distributed to all employees. Furthermore, the Policy shall be included in the City's Personnel Rules, Employee Guide, and such other employee documents as appropriate. Furthermore, the City's commitment to equal opportunity shall be set forth in employment recruitment materials.

For each recruitment undertaken, the Human Resources Department shall maintain the following information:

A copy of any test(s) administered and copies of available test validation documents.

A description of test cut-off scores or other qualifying standards used.

A record of each applicant's score for each phase of the testing process.

COMPLAINT RESOLUTION PROCESS

Informal Procedure

Should an informal resolution process prove unsuccessful or if the employee is hesitant about approaching the person who has engaged in the perceived discrimination, the employee should seek to resolve the issue following his/her department's chain of command. However, an employee is not required to follow the chain of command and may file a complaint, as described below.

Complaint Procedure

Except for those people who must be involved in the investigation, complaints of discrimination will be held in confidence. However, complete confidentiality cannot be

guaranteed due to the need to fully investigate and the duty to take effective remedial action. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor or the Administrative Services Director. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction. The City of Pleasanton will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

If an employee, applicant or contractor believes he or she has been the victim of discrimination, he/she may make a complaint, either verbally or in writing, with any of the following: his/her supervisor, division manager, department head or a member of the professional staff of the Human Resources department as soon as possible. All complaints of discrimination received by a department supervisor or manager shall be reported to the Administrative Services Director who in turn shall notify the City Manager.

The appropriate department head(s) and Administrative Services Director shall initiate a prompt investigation of the charges. The investigation will include interviews with (1) the complainant; (2) the accused; and (3) other persons who have relevant knowledge concerning the complaint.

Upon completion of the investigation, the department head following consultation with the Administrative Services Director, shall prepare a report on the investigation and recommend to the City Manager the appropriate disciplinary action, if any disciplinary action is warranted. The disciplinary action, if any, will be commensurate with the severity of the offense. Since discipline is not an option as a response to an investigation of the conduct of an outside party, other appropriate measures may be taken such as prohibiting the outside party from interacting with the complaining employee or department.

The complainant and accused will be advised as to the determination of whether a violation of the Policy was found. If discipline is imposed, the level of discipline will not be communicated to the complainant. The City of Pleasanton shall also take reasonable steps to protect the complainant from further discrimination, and from retaliation.

An employee, applicant or outside contractor has the option to report harassment, discrimination or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are: Department of Fair Employment and Housing, Oakland District Office, 1515 Clay Street, Suite 701, Oakland, CA 94612, telephone number 1-800-884-1684; and the Equal Employment Opportunity Commission, 350 The Embarcadero, Suite 500, San Francisco, CA 94105-1260, telephone number 415-625-5600 or 1-800-669-4000. The website addresses are: eeoc.gov and dfeh.ca.gov.

Employees may also call the Employee Protection Line at (800) 576-5262; Code 10104 to report complaints of discrimination.

Ensuring Equal Employment Opportunity

To meet its commitment to equal employment opportunity, the City will take the following actions:

1. Conduct a periodic review of its employment policies and practices to ensure that those policies and practices do not create artificial barriers to equal employment opportunity.
2. Educate employees of the City's commitment to equal opportunity, workplace diversity, and maintenance of a workplace free from discrimination.
3. Review employment recruitment and selection processes for possible adverse impact. Where adverse impact is identified, either revise the process or select another process having no or less adverse impact.

Distribution approved: _____



Nelson Fialho, City Manager

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