

Section 6-13. Non-Discriminatory Practices

Section 6-13.1. Policy on Non-Discrimination

There shall be no discrimination on the basis of race, color, genetic information, religion, sex (except where age, sex or physical condition is a bona fide occupational qualification), national origin, disability, age, political affiliation, **sexual orientation or gender identity** with respect to the recruiting and examination of applicants, the hiring of eligible applicants, or in any personnel transactions affecting employees, including but not limited to, training, promotion and fitness of the individual. It shall also be the policy of the City to prohibit sexual harassment.

Section 6-14. Unlawful Harassment Policy

The City of Lilburn is committed to providing a work environment that promotes equal employment opportunities and is free from discriminatory practices, including harassment.

It is illegal and against the policy of the City of Lilburn for any person to harass, threaten or intimidate another employee on the basis of their sex, race, genetics, religion, disability, national origin, age, **sexual orientation or gender identity** or age. Any employee who believes that he or she has been the subject of such harassment must report the alleged act immediately to their supervisor, their Department Director, or the Director of Human Resources. A complaint will be immediately investigated by the Human Resources Director in conjunction, where appropriate, with the employee's department. Any supervisor, agent or employee who has harassed another employee on the basis of their sex, race, genetics, religion, disability, national origin, age, **sexual orientation or gender identity** will be subject to appropriate disciplinary action up to and including termination.

Unlawful harassment in violation of this policy includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- ▶ submission to such conduct is made directly or indirectly a term or condition of a person's employment; or
- ▶ submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person.

Unlawful harassment also includes creating an intimidating, hostile or offensive working environment for another on the basis of one's sex, race, genetics, religion, national origin, disability, age, **sexual orientation or gender identity** or age. A hostile or offensive working environment is determined based on the particular circumstances but shall include severe or pervasive written, verbal or physical conduct directed toward an employee on the basis of their sex, race, genetics, religion, national origin, disability, age, **sexual orientation or gender identity**.

Unlawful harassment on the basis of one's sex, race, genetics, religion, national origin, disability, age, **sexual orientation or gender identity** by any employee is illegal and is contrary to City policy. However, conduct of a harassing nature by a supervisor is particularly unacceptable and will not be tolerated.

Supervisors are strictly prohibited from making any employment decision, directly or indirectly, based upon submission to, or rejection of, a request for a sexual favor. Supervisors are also strictly prohibited from engaging in any conduct that could reasonably be construed by another employee as threatening, offensive or intimidating so as to constitute a hostile working environment in violation of this policy. Any supervisor who engages in such conduct shall be subject to disciplinary action up to and including termination. It is the responsibility of each supervisor or Department Director to maintain a workplace free of sexual and other unlawful harassment. This duty includes discussing the policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative sexual or unlawful harassing treatment in violation of this policy and to report perceived violations of this policy to the Human Resources Director.

No employee who, in good faith, exercises his or her right to make a complaint about sexual or other unlawful harassment will be subjected to any retaliatory act or incur any penalty or adverse consequence. Unlawful harassment in the workplace will not be tolerated and employees who believe they have experienced such harassment or have witnessed the harassment of another have an obligation to report such unlawful conduct immediately. Any supervisor or employee who retaliates against an individual for exercising his or her right to report sexual or other unlawful harassment shall be subject to severe disciplinary action up to and including termination.

Employees who believe they have been subjected to sexual or other unlawful harassment or believe they have witnessed such conduct must report this immediately to their immediate supervisor, Department Director, or the Director of Human Resources. Any reported allegations of harassment or retaliation will be investigated promptly and confidentially with consideration of those with a need to know. It is extremely important that any unlawful harassment be reported immediately. Failure to report conduct in violation of this policy, or a delay in reporting the same, may impede the City from taking preventative or corrective measures when appropriate.

The City encourages any employee to raise questions they may have regarding discrimination, retaliation or harassment with the City's Human Resources Director.

Section 6-15. Appeals For Alleged Unlawful Discrimination

Any regular status employee who alleges that he/she has been reprimanded, suspended, involuntarily demoted, involuntarily discharged or omitted from the proper band status due to his/her race, color, genetic information, religion, sex, national origin, disability, age, veteran status, political affiliation, **sexual orientation or gender identity** or who incurred the same as the result of unlawful harassment, may appeal

such conduct to the Human Resources Director. (See Chapter VIII Section 8-2.2). Any alleged discrimination in any personnel transaction or unlawful harassment as defined by these policies or any other administrative policies of the City should be reported to the Director of Human Resources immediately.

DISCIPLINARY ACTIONS AND SEPARATIONS

Section 7-1. Disciplinary Action Policy

A Department Director may designate positions which have the authority to recommend disciplinary action above a written reprimand. However, final authority to take disciplinary action shall be the responsibility of the Department Director. It is the intent of the City that effective supervision and good employee relations will avoid most matters necessitating disciplinary action. The purpose of these policies and provisions for disciplinary action for violations are not intended to restrict the rights of anyone, but to insure the rights of all and secure cooperation and orderliness throughout City operations. The severity of disciplinary action is related to the gravity of the offense and the employee's record of disciplinary action. Any adverse action taken must be based on good cause and be fair and equitable. The decision to take disciplinary action or the determination of what action to take shall not be based upon the employee's race, color, sex, genetics, religion, age, national origin, disability, veteran status, political affiliation, **sexual orientation or gender identity**.

Section 7-3. Reasons for Disciplinary Actions

20. Discriminatory conduct or language directed toward any employee or citizen because of their race, color, sex, genetic information, religion, age, national origin, disability, veteran status, political affiliation, **sexual orientation or gender identity** (Reprimand to Discharge)