

## CHAPTER 158

### Employment Anti-Discrimination, Anti-Harassment and Anti-Retaliation Policy

158.01	Purpose.
158.02	Reference.
158.03	General.
158.04	Definitions.
158.05	Procedure.
158.06	Enforcement.

### CROSS REFERENCE

Unlawful discriminatory practices - see Ohio R.C.§4112.02

---

#### 158.01 PURPOSE.

To establish procedures for the reporting of discriminatory incidents in the workplace; to emphasize that discrimination, harassment, and retaliation will not be tolerated in the workplace. (Ord. 2008-85. Passed 11-19-08.)

#### 158.02 REFERENCE.

Age Discrimination in Employment Act of 1967, as amended (ADEA), 29 U.S.C. §621 *et seq.*

Americans with Disabilities Act of 1990, as amended (ADA), 42 U.S.C. §12111 *et seq.*

Code of Federal Regulations Title 29, Part 1605.1

Ohio Revised Code Chapter 4112

Ohio Administrative Code 123:1-49-02

Pregnancy Discrimination Act (PDA)

Title VII of the Civil Rights Act of 1964, as amended (Title VII), 42 U.S.C. §2000e *et seq.*

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. §4301 *et seq.*

(Ord. 2008-85. Passed 11-19-08.)

#### 158.03 GENERAL.

It is the policy of the Village of Woodmere to comply with all applicable federal and state laws, rules, regulations, and guidelines regarding employment discrimination and retaliation. Discrimination or harassment against employees and applicants due to race, color, religion, sex, sexual orientation, gender identity, national origin, disability, age, or military status is illegal.

It is unlawful for any person to discriminate in any manner against any other person

because that person has opposed any unlawful discrimination practice. It is also unlawful to retaliate against any person who has made a charge of discrimination, testified, assisted or participated in any manner in an investigation, proceeding, or hearing.

The Village encourages all employees to assist in the effort to achieve equal opportunity in the workplace. Violations of this policy may be cause for disciplinary action, including termination. (Ord. 2008-85. Passed 11-19-08.)

#### 158.04 DEFINITIONS.

(a) “Age Discrimination” means discrimination or harassment based on years of age (40 years or over).

(b) “Color Discrimination” means discrimination or harassment based on skin-tone. Equal opportunity cannot be denied to any person based of his or her racial group or perceived racial group, his or her race linked characteristics (e.g., hair texture, color, facial features), or because of his or her marriage to, or association with, someone of a particular race or color.

(c) “Disability Discrimination” means discrimination or harassment based on a physical or mental impairment that substantially limits one or more major life activities of the individual including having a record of such of such impairment or being regarded as having such impairment, (42 U.S.C §12102(2)).

(d) “EEOC” means U.S. Equal Employment Opportunity Commission.

(e) “Gender Identity” means the gender a person associates with him or herself, regardless of the gender others might attribute to that person.

(f) “National Origin Discrimination” means discrimination or harassment based on birthplace, ancestral, cultural, family descent or lineage; linguistic characteristics common to a specific nationality; marriage or association with a person of a national origin group; membership or association with organizations identified with or promoting the interests of a national origin group’s attendance or participating in schools, churches, temples, or mosques generally associated with a national origin group; or a surname associated with a national origin group.

(g) “OCRC” means Ohio Civil Rights Commission.

(h) “Race Discrimination” means discrimination or harassment based on physical, tribal, ancestral, cultural, geographical or linguistic characteristics common to a specific ethnic group or stock including but not limited to persons having origins in any of the original people of the Americas, Europe, Africa, Australia, Antarctic, or Asia.

(i) “Religion Discrimination” means discrimination or harassment based on all aspects of religious observance and practice, as well as belief. (C.F.R. Title 29, Part 1605.1). Religious practices include moral or ethical beliefs as to what is right and wrong, which are sincerely held with the strength of traditional religious views.

(j) “Sex Discrimination” means discrimination or harassment against any employee or applicant for employment because of his or her sex in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. Decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under the Pregnancy Discrimination Act, which is an amendment to Title VII.

(k) “Sexual Orientation” means a person’s actual or perceived homosexuality;

bisexuality; or heterosexuality, by orientation or practice, by and between adults who have the ability to give consent.

(l) “Military Status Discrimination” means discrimination or harassment based on service in the uniformed services which is defined under Ohio Revised Code §5903.01(G) as performance of a duty, on a voluntary or involuntary basis, in a uniformed service under competent authority. This includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency, performance of duty or training by a member of the Ohio organized militia, and the period of time for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any duty in a uniformed service. Ohio prohibits discrimination on the basis of an individual’s past, current, or future military status in hiring, promotion, tenure, discharge, pay fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment. USERRA similarly prohibits discrimination based on military status or service, and provides certain reemployment rights for service members returning from training or active duty.

(m) “Protected Class” means those classes of individuals protected by law including those classes listed in (a), (b), (c), (e), (f), (h), (i), (j), (k) and (l) above.  
(Ord. 2008-85. Passed 11-19-08).

#### 158.05 PROCEDURE.

##### (a) Reporting Discrimination, Harassment or Retaliation:

Any employee or applicant for employment who believes that he or she is a victim of discrimination, harassment or retaliation should report such incidents to one or more of the following:

The Village of Woodmere Equal Employment Opportunity (EEO) Officer

The Village of Woodmere Law Director

Equal Employment Opportunity Commission (EEOC)

Ohio Civil Rights Commission (OCRC)

A formal or informal complaint may be made with any or all of the following:

The Village of Woodmere EEO Officer or Law Director within six (6) months of the last act of employment discrimination.

EEOC within three hundred (300) days of the last act of discrimination. (<http://www.eeoc.gov>)

OCRC within six (6) months of the last act of discrimination. (<http://crc.ohio.gov>)

The filing of a complaint with one of the preceding entities does not mean that a person cannot or should not file a complaint with all of the preceding agencies. A complaint does not have to be filed with the Village of Woodmere prior to filing a charge or complaint with the EEOC or the OCRC.

##### (b) Investigation Process for complaints filed with the Village of Woodmere EEO Officer:

A complaint may be made with the Village of Woodmere EEO Officer within six (6)

months of the alleged discriminatory act. The individual may elect either to make a complaint orally to the EEO Officer or the Village of Woodmere Law Director, or to complete an EEO Discrimination Complaint Form and submit it to the EEO Officer. The names and contact information for the current EEO Officer and Law Director shall be posted on the Village of Woodmere's website and in Village Hall. A copy of the complaint form is attached to this policy as Exhibit "A".

The EEO Officer may conduct a formal investigation of the complaint. In most circumstances, the EEO Officer will render a decision within thirty (30) days of the filing of the complaint whether probable cause exists to believe that an act of discrimination, harassment, or retaliation occurred.

The complainant may request a hearing within fifteen (15) calendar days of receipt of the findings through the EEO Officer if he or she is not satisfied with the EEO Officer's decision. Written request must be sent to:

Village of Woodmere  
Equal Employment Opportunity Officer  
27899 Chagrin Blvd  
Woodmere Village, Ohio 44122

The EEO Officer will select a hearing officer to preside over the proceedings and to render a decision on the case. The Village of Woodmere will have thirty (30) days to act on the decision of the hearing officer, if any action is required. The complainant may request a final review of the decision by the EEO Officer (regardless of whether a complaint has been filed with the EEO Officer) if he or she is not satisfied with the hearing officer's decision.

(c) Investigatory Processes for Complaints filed with EEOC and/or OCRC:

A complaint can be filed with OCRC within six (6) months and/or with EEOC within 300 days of the most recent incident of discrimination, harassment, or retaliation. Complaints filed with EEOC and/or OCRC will be processed by the applicable enforcement agency.

(d) Supervisory and Management Reporting Requirements:

When a supervisor or management employee witness, is notified of, or otherwise becomes aware of offensive conduct that is based on membership in a protected class as defined herein, the supervisor or manager must report the conduct to the Village of Woodmere EEO Officer or the Law Director. Reporting under this requirement is mandatory, not discretionary, and full disclosure of all information known to the supervisor or management employee about the incident is required. (Ord. 2008-85. Passed 11-19-08.)

#### 158.06 ENFORCEMENT.

Acts of discrimination, harassment, and retaliation in the workplace are inappropriate and will not be tolerated. Acts of discrimination, harassment and retaliation may be cause for disciplinary action, up to and including termination. (Ord. 2008-85. Passed 11-19-08.)