



Sheriff James W. Murphy

Sheriff of the City of St. Louis

Equal Employment Opportunity and Anti-Harassment Policy and Complaint Procedure



Sheriff's Department City of St. Louis, Missouri

**City of St. Louis Sheriff's
Department**

Sheriff James W. Murphy

**1114 Market St. – Carnahan
Court Bldg.**

314-622-4131

314-622-4839 Fax

Discrimination and/or harassment on the basis of race, color, religion, national origin, sex, ancestry, age, genetic information or disability in connection with the terms or conditions of employment is prohibited. Further, retaliation against an employee who files a complaint of discrimination or harassment, who participates or cooperates in an investigation of a complaint or who opposes an employment practice prohibited under Chapter 213 of the Missouri Revised Statutes or 42 U.S.C § 2000e, et seq. is prohibited. Discrimination, harassment and/or retaliation against other individuals encountered in the workplace, including but not limited to co-workers and subordinates, prisoners, jurors, witnesses, court staff, or any other individuals encountered during the performance of duties is also prohibited.

SHERIFF OF THE CITY OF ST. LOUIS SHERIFF'S DEPARTMENT

EQUAL EMPLOYMENT OPPORTUNITY AND ANTI- HARRASSMENT POLICY AND COMPLAINT PROCEDURES.

PROCEDURAL ORDER 11-01

Effective: Immediately-No Expiration

Revised April, 1st, 2011

I. POLICY

Discrimination and/or harassment on the basis of race, color, religion, national origin, sex, ancestry, age, genetic information or disability in connection with the terms or conditions of employment is prohibited. Further, retaliation against an employee who files a complaint of discrimination or harassment, who participates or cooperates in an investigation of a complaint or who opposes an employment practice prohibited under Chapter 213 of the Missouri Revised Statutes or 42 U.S.C § 2000e, et seq. is prohibited. Discrimination, harassment and/or retaliation against other individuals encountered in the workplace, including but not limited to co-workers and subordinates, prisoners, jurors, witnesses, court staff, or any other individuals encountered during the performance of duties is also prohibited.

II. Purpose

The Equal Employment Opportunity (EEO) Policy and Complaint Procedure serves the following functions:

- A. To establish a system to assist the Sheriff with identifying and remedying those conditions that could result in complaints of discrimination or harassment based on race, color, religion, national origin, sex, ancestry, age, genetic information or disability;
- B. To establish a procedure that will ensure alleged acts of discrimination, harassment and/or retaliation are brought to the attention of supervisory and management personnel for timely investigation and resolution;
- C. To provide a means by which an employee who believes he/she has experienced discrimination, harassment and/or retaliation can file a complaint.

It is the responsibility of supervisory and management personnel to identify and eliminate all situations and conditions that could result in legitimate complaints of discrimination and/or harassment on the basis of race, color, religion, national origin, sex, ancestry, age, genetic information or disability and/or complaints of retaliation. This complaint process provides alternate complaint routes, so that the complainant will have choices in reporting acts of alleged discrimination, harassment or retaliation.

III. DEFINITIONS:

- A. Age – An age of forty or more years.
- B. Discrimination - Unfair treatment based on race, color, religion, national origin, sex, ancestry, age, genetic information or disability as it relates to terms or conditions of employment covered by this administrative regulation;
- C. Complainant - A person who has filed a complaint of discrimination, harassment and/or retaliation under this regulation;

D. Diversity Counselor - An employee of the Sheriff who has been designated by the Sheriff to provide consultation to employees regarding the provisions of this policy and procedures, receive complaints of discrimination,, harassment and/or retaliation, report said complaints to the Sheriff/designee and to consult with the Employee Relations Section of the Department of Personnel as needed.

E. Harassment – Harassment may include, but is not limited to, the following:

1. Verbal harassment, including derogatory remarks, comments, slurs or jokes that relate to race, color, religion, national origin, sex, ancestry, age, genetic information or disability;

2. The showing, display or distribution of pictures, posters, cartoons, drawings, e-mails, writings, objects or other materials which are derogatory or offensive and relate to race, color, religion, national origin, sex, ancestry, age, genetic information or disability;

3. Pranks or physical interference with normal work or movement based on an individual's race, color, religion, national origin, sex, ancestry, age, genetic information, or disability;

4. Showing, displaying or distributing pictures, posters, objects or other materials which are sexually explicit, suggestive, or offensive;

5. Unwelcome or offensive sexual advances, requests or demands for sexual favors, and other verbal or physical conduct of a sexual nature including touching, pushing, back rubs, grabbing, kissing, pinching, brushing up against, or other physical contact of a sexual nature, directed toward an employee or other individual of the same or opposite sex.

IV. COMPLAINTS ADDRESSED BY THIS POLICY:

A. Allegations of discrimination based on race, color, religion, national origin, sex, ancestry, age, genetic information or disability;

B. Allegations of harassment based on race, color, religion, national origin, sex, ancestry, age, genetic information or disability;

C. Allegations of retaliation based on an employee's filing of a complaint, participation or cooperation in an investigation of a complaint or opposition of an employment practice prohibited under Chapter 213 of the Missouri Revised Statutes or 42 U.S.C § 2000(e). et. seq.

V. COMPLAINT PROCEDURE:

Following is the procedure for reporting discrimination, harassment, or retaliation:

- A. This EEO Complaint Procedure is available to all employees of the Sheriff.
- B. If you believe you are being discriminated against or harassed on the basis of race, color, religion, national origin, sex, ancestry, age, genetic information or disability, or are being retaliated against for filing a complaint under this policy or for participating or cooperating in an investigation or for opposing of an employment practice prohibited under Chapter 213 of the Missouri Revised Statutes or 42 U.S.C § 2000(e). et. seq., the incident should be reported immediately to any of the following: your immediate supervisor, the diversity counselor, the Sheriff, or to the Employee Relations Section of the Department of Personnel of the City of St. Louis, 1114 Market, Room 700, St. Louis, MO 63101 (Department of Personnel);
- C. Employees should report harassment immediately, and on the first occasion it occurs. They should not wait for it to become severe or pervasive; verbal complaints in violation of these policies carry the same protection as written complaints.
- D. Employees who observe or are made aware of the harassment of another employee are required to report the harassment to their immediate supervisor, their department's diversity counselor, their Sheriff/designee; or to the Employee Relations Section of the Department of Personnel, City of St. Louis.

- E. All information, documentation and decisions pertaining to this procedure will be handled in as confidential a manner as possible. Any employee who violates this regulation, or any unwarranted breach of confidentiality regarding a complaint, will be considered a violation of the procedure and can result in disciplinary action up to and including dismissal.
- F. Any supervisor or diversity counselor who receives a complaint alleging violation of this policy (whether verbal or written) must immediately report said complaint to the Employee Relations Section of the Department of Personnel.
- G. Following are steps to be pursued in filing, investigating and resolving complaints under the EEO Complaint, Harassment and Retaliation Procedures.

1. A complaint should be reported within ten (10) days of the occurrence which an employee believes to be discriminatory, harassment or retaliation. The EEO Complaint form can be obtained by contacting the Employee Relations Section in the Department of Personnel, the Internet, or from the diversity counselor;

2. When completing an "EEO Complainant" form, employees are encouraged to provide as much detail as possible, including dates, times and witnesses in order to facilitate a prompt and thorough investigation. The form must include factual information and the reason(s) why the employee believes that the action(s) taken against him/her were in violation of this of this policy.

3. Upon receipt of the completed EEO complaint form, the Department of Personnel shall, within five calendar days, notify the Sheriff in writing of the specific allegation(s). The Department of Personnel shall then conduct an investigation and submit a report regarding the investigation to the Sheriff for review and consideration within thirty (30) calendar days of the commencement of the investigation, unless the Department of Personnel is unable to complete its investigation and report within said time frame. The investigation and report shall, at the maximum, be completed within sixty (60) days;

4. After receipt of the report from the Department of Personnel, the Sheriff or his designee may conduct further investigation, if needed. Upon conclusion of the investigation, the Sheriff shall make a determination as to whether the complaint should be substantiated or not substantiated and shall notify the complainant and the Department of Personnel. Any further investigation and notification should occur within thirty (30) days of receipt of the report from the Department of Personnel.

5. If the complaint is substantiated, the Sheriff shall take appropriate action, disciplinary or otherwise, against any employee who has violated this policy. Said action may

include disciplinary action up to and including dismissal. The Sheriff may take further actions to remedy any complaint found to be substantiated.

6. The complaint shall be handled and the investigation shall be conducted in as confidential manner as possible

7. Compensation: Employees who are required to participate in the investigation process by his/her Sheriff/designee or the Human Resource Department of the City of St. Louis will be paid their salaries. If they are off duty and would be entitled to Compensation Time (CT) that shall be recorded accordingly.

8. Violation of this administrative regulation may result in discipline up to and including dismissal.

VI. PROTECTION AGAINST RETALIATION:

The Sheriff of the City of St. Louis prohibits retaliation against employees who file complaints of harassment, report the harassment of another employee or individual encountered in the workplace, including but not limited to co-workers and subordinates, prisoners, jurors, witnesses, court staff, or any other individuals encountered during the performance of duties is also prohibited. Therefore,

A. Employees are required to immediately report any retaliation resulting from filing a complaint of harassment, for reporting a violation of the regulation, or for cooperating or participating in an investigation of a complaint of harassment as outlined in this regulation;

B. Any complaint of retaliation will be handled in accordance with the formal complaint process set forth in Section V, of this regulation;

C. Any individual who retaliates against any person making a complaint under this procedure or assisting in a harassment investigation will be subject to appropriate disciplinary action up to and including dismissal.

VII. GENERAL PROVISIONS:

- A. A complaint may be terminated at any step of the EEO Complaint Procedure by the Department of Personnel, if it is not filed in a timely manner, if it is determined that the complaint is not within the scope of this policy, or if it is determined that the complaint is unsubstantiated or without merit. The Department of Personnel shall notify the Sheriff of the termination of the complaint.
- B. An employee is prohibited from filing a discrimination, harassment or retaliation complaint that he/she knows to be false, and if confirmed as such, will subject the employee to disciplinary action.
- C. Notwithstanding any other provision of this chapter, it shall not be a violation of this policy to comply with the provisions of 29 U.S.C. § 623 relating to employment of law enforcement officer.

VIII. MISCELLANEOUS-RECORD KEEPING

- A. Written documentation of any investigation conducted under this procedure must be kept for a minimum period of five (5) years.
- B. The Sheriff of the City of St. Louis is required to issue a copy of this regulation to every employee under their authority. Issuance of the regulation must be documented by having the employee and issuing supervisor sign the attached "Certification and Declaration" form.

One copy of the form must be filed with the Employee Relations Section of the Human Resource Department within five (5) days of issuance. One copy should be retained by the operating department or agency, and one given to the employee.

Questions concerning this policy are to be referred to the Executive Aide to the Sheriff or the Sheriff's designee or to the Employee Relation Section of the St. Louis Department of Personnel at 314-622-3563.

This policy is not intended to impair, replace or limit the right of any employee to seek a remedy under state or federal law by reporting the matter directly to the appropriate state or federal agency.

James W. Murphy

Sheriff of the City of St. Louis

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Revised April, 1st, 2011

Certification and Declaration

I, (Print Name) _____ have received and read a copy of the, **EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-HARRASSMENT POLICY AND COMPLAINT PROCEDURES.** I understand that as a condition of employment, I will report any incident of EEO, Harassment and Retaliation according to the complaint procedure therein specified.

SIGNED: _____ **DATED:** _____

DEPARTMENT: _____ **DIVISION:** _____

I certify that the employee named above was provided a copy of the Sheriff of the City of St. Louis policy on harassment and a copy of this form on the date indicated above.

Supervisor's/Manager's Signature Rank Department

Department/Unit/ Date

This Certification and Declaration must be signed and dated by the employee and the issuing supervisor/manager and retained by the employee.

EEO Complaint and Harassment Form

Sheriff's Department – City of St. Louis

EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-HARASSMENT COMPLAINT FORM

Complaint Number (for Personnel's use only) _____ Date _____

Name _____ Home/Cell Phone _____

Street Address _____ Work Phone _____

City, State, Zip Code _____

Job Title _____ Department/Division _____ Work Location _____

Alleged Discrimination was based on (check appropriate box (es):

Race National Origin/Ancestry Age (40 years and older)

Color Disability Religion

Sex Retaliation Genetic Information

Date of discriminatory took place _____ Earliest _____ Latest _____

check if continuing discrimination...

Explain what discriminatory action was taken against you. Be specific: include dates, names of individual(s) who committed discriminatory acts, names of any witnesses to the discriminatory action(s), places, etc. for all incidents. Also, include any other evidence that supports the alleged act(s) of discrimination. If more space is required, use an additional sheet of paper, and be sure to sign and date each additional sheet of paper used.

Have you previously reported any of the discriminatory acts alleged in this complaint to your immediate supervisor, your appointing authority or designee, or the diversity counselor in your department, and if so, to whom did you report such act(s) and when did you report such act(s)?

Resolution Requested:

I declare that the above statements are true and accurate to the best of my knowledge, information, and belief.

Signature: _____ Date: _____

REV 04/2011