

**RESOLUTION NUMBER 07-01
OF THE BOARD OF WORKS AND SAFETY OF THE
CITY OF FRANKLIN, INDIANA**

**A Resolution Adopting an Equal Employment Opportunity and
Anti-Harassment Policy**

WHEREAS, the City of Franklin, Indiana ("City"), by and through its Board of Works and Safety, recognizes a need for and adopts the following Equal Employment Opportunity and Anti-Harassment Policy;

NOW, THEREFORE, THE BOARD OF WORKS OF THE CITY OF FRANKLIN, INDIANA, RESOLVES THE FOLLOWING:

1) Resolved:

Equal Employment Opportunity

Our Policy

The City, as required by law, makes equal employment opportunities available to all persons without regard to race, sex, age, color, religion, national origin, disability, citizenship status, military status, or any other category protected under federal, state, or local law. This policy applies to applicants and employees and to all aspects of employment including hiring, promotion, demotion, treatment during employment, rates of pay or other forms of compensation, and termination of employment. Further, irrespective of whether sexual orientation is a legally-protected status, the City does not tolerate discrimination on the basis of an employee's sexual orientation.

Reasonable Accommodation

The City will take appropriate steps to provide reasonable accommodation upon request to qualified individuals with disabilities so long as doing so does not cause an undue hardship. The City will also take appropriate steps to provide reasonable accommodation upon request to employees whose religious beliefs or restrictions create a conflict with the City's policies, practices, or procedures so long as doing so does not cause an undue hardship. If you need accommodation, please provide a written description of your situation and your needs to your Department Head, and someone will contact you to discuss your request.

Anti-Harassment

The City is further committed to providing a workplace free of inappropriate treatment of any employee because of the employee's race, color, sex, religion, age, national origin, ancestry, disability, or any other category protected under federal, state, or local law. To be unlawful, conduct must be so severe and pervasive that it unreasonably interferes with an employee's ability to work. The City does not, however, condone or tolerate any inappropriate conduct based on an employee's race, sex, age, religion, national origin, ancestry or disability, or any other category protected under federal, state, or local law. Further, irrespective of whether sexual orientation is a legally-protected status, the City does not tolerate harassment on the basis of an employee's sexual orientation.

Moreover, the City is committed to protecting employees from inappropriate conduct whether from other employees or non-employees such as visitors, vendors, suppliers, clients, guests, customers, contractors, or members of the public.

Examples Of Inappropriate Conduct

Inappropriate conduct may include, among other things:

- (1) Epithets, slurs, stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, sex, age, religion, national origin, ancestry, or disability; and
- (2) Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, sex, age, religion, national origin, ancestry, or disability.

Specifically, the City is committed to providing a workplace free of inappropriate conduct of a sexual nature. Such conduct may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Such conduct also may include, among other things:

- * Unsolicited and unwelcome comments or conduct of a sexual nature or that are demeaning to women or men as a group (for example, offensive or vulgar jokes, name-calling, comments about one's body or sex life, stereotyping based on a person's sex, touching, leering, ogling, patting, pinching, indecent exposure, physical gestures, or displaying sexually explicit photographs or objects that interfere with a reasonable person's work);
- * Unsolicited and unwelcome demands or requests for sexual favors or social or sexual encounters;

- * An explicit or implicit promise of preferential treatment with regard to a person's employment in exchange for sexual favors or sexual activity; and
- * The use of an employee's or applicant's submission to or rejection of sexual conduct as the basis for making, influencing, or affecting an employment decision that has an impact upon the terms and conditions of the individual's employment (for example, hiring, firing, promotion, demotion, compensation, benefits, or working conditions).

Given the nature of this type of conduct and the serious effects such conduct can have on the target of the conduct and the one accused of the conduct, the City treats alleged violations of this Policy seriously and, to the extent possible, confidentially. The City expects all individuals to treat alleged violations in the same responsible manner. Please help us maintain a comfortable work environment free from inappropriate and offensive conduct of any type irrespective of whether the conduct is unlawful.

Internal Reporting Procedure

If you believe you or any other employee is being subjected to behavior that is not consistent with these policies, you are encouraged to, and have a responsibility to, immediately report these matters to your Department Head. If for any reason you do not feel comfortable reporting your concerns to the Department Head, you may report your concerns to the Mayor. Additionally, any employee who believes a non-employee's behavior violates this policy should promptly report the non-employee's conduct through this policy. If the concern relates to the behavior of the Mayor and you do not feel comfortable reporting your concerns to either your Department Head or the Mayor, you may report your concerns to President of the Common Council.

Supervisors who become aware of any potential violation of this Policy must report the potential violation to the Department Head or the Mayor. Failure to report potential violations will result in appropriate discipline, up to and including discharge.

Our Commitment When Reports Are Made

No action will be taken against any employee merely because he reports behavior believed to violate this Policy. The City will investigate and take appropriate action as to all complaints. The City is firm in its commitment to maintaining an environment free of discrimination and inappropriate conduct. Violations of this Policy will not be tolerated and will result in appropriate disciplinary action, up to and including discharge.

Personal Relationships At Work

To avoid even the appearance of impropriety, the City prohibits dating, personal/sexual relationships and/or cohabitation between supervisors and employees reporting directly or indirectly

to the supervisor. The individuals involved must immediately report to the Department Head the existence of such relationships so that appropriate steps may be taken, including reassignment of personnel, to avoid the potential for the personal relationship to adversely affect any employee in any manner. If reassignment is not possible, then the City will permit the two employees to decide which one will resign his or her employment. Any supervisor's failure to report a personal/sexual relationship or cohabitation will result in discharge. Exemptions may be made for any personal/sexual relationship and/or cohabitation existing at the effective date of this policy, but only if the employees immediately report the relationship.

Non-Discriminatory Service Policy

The City is committed to ensuring that all persons are treated with respect irrespective of their race, sex, age, color, religion, national origin, ancestry, or disability. All employees must treat all persons equally when providing service. All persons will receive the same rights, privileges, and services, unless an individual's medical condition poses a direct threat to the health and safety of that person or others or disrupts the orderly flow of business or service. Upon request, the City will take appropriate steps to provide reasonable accommodation to individuals with disabilities so long as doing so does not cause the City undue hardship.

- 2) **Construction of Clause Headings.** The clause headings appearing in this resolution have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.
- 3) **Repeal of Conflicting Resolutions.** The provisions of all other resolutions in conflict with the provisions of this resolution are of no further force or effect, and are now repealed.
- 4) **Severability of Provisions.** If any part of this resolution is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this resolution.
- 5) **Duration and Effective Date.** The provisions set forth in this resolution become and will remain in full force and effect (until their repeal by resolution) on the day of the passage and adoption of this resolution by the affirmative vote and signature of a majority of the members of the Board of Works and Safety.

Introduced and Filed on this 27th day of February, 2007.

DULY PASSED on this 27th day of February, 2007, by the Board of Works and Safety of the City of Franklin, Johnson County, Indiana, having been passed by a vote of 3 in Favor and 0 Opposed.

CITY OF FRANKLIN, INDIANA, BY ITS BOARD OF WORKS AND SAFETY:

Voting in Favor

Voting in Opposition

Mayor Brenda Jones-Matthews

Mayor Brenda Jones-Matthews.

Joseph R. Ault, Member

Joseph R. Ault, Member

Stephen D. Hougland, Member

Stephen D. Hougland, Member

Attest:

Janet P. Alexander,
City Clerk-Treasurer

Prepared by:

*Robert H. Schafstall
Atty. No.: 16944-41
Cutsinger and Schafstall
98 North Jackson Street
P.O. Box 159
Franklin IN 46131
Ph: (317) 736-7146
Fax: (317) 736-8005
E-mail: robhschafstall@earthlink.net*