

SEP 17 2007

ORDINANCE NO. 2590

**AN ORDINANCE TO AMEND SECTION 2.68.040 (EQUAL
EMPLOYMENT OPPORTUNITY) OF THE MUNICIPAL
CODE OF THE CITY OF COLUMBIA, ILLINOIS**


City Clerk

WHEREAS, the City of Columbia, Illinois (the "City") has determined a need to update the City's Policy Prohibiting Discrimination and Harassment (including sexual harassment); and,

WHEREAS, it is necessary and appropriate that the City revise the aforementioned policy.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. Section 2.68.040 (Equal employment opportunity) to Title II (PERSONNEL CODE) of the Municipal Code of the City of Columbia, Illinois is hereby changed and amended to read as follows:

"Section 2.68.040 Policy prohibiting discrimination and harassment

A. **Statement of Policy.** The City provides equal employment opportunities to each employee and applicant for employment without regard to race, color, religion, national origin, ancestry, age, sex, marital status, handicap or disability, unfavorable discharge from military service, status as a Vietnam-era or special disabled veteran, or citizenship status in accordance with applicable law. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

B. **Prohibition Against Unlawful Harassment.** The City expressly prohibits any form of unlawful employee harassment based on race, color, religion, national origin, ancestry, age, sex, marital status, handicap or disability, unfavorable discharge from military service, status as a Vietnam-era or special disabled veteran, or citizenship status. Harassment is prohibited whether it occurs in person, in writing, by telephone, facsimile, e-mail, via the Internet, or through any other means of communication. Harassment can be physical, verbal, or visual. Examples of prohibited physical harassment include, but are not limited to, unwelcome physical contact, invading one's physical space, damaging one's personal property, offensive gestures, or any other offensive act directed at someone because of his/her sex, race, color, religion, national origin, citizenship, age, disability, or other protected status. Examples of prohibited verbal or visual harassment include, but are not limited to, unwelcome comments, jokes, epithets, threats, insults, name-calling, negative stereotyping, possession or display of derogatory pictures or other graphic materials, and any other words or conduct that demean, stigmatize, intimidate, or single out a person because of his/her sex, race, color, religion, national origin, citizenship, age, disability, or other protected status.

C. **Specific Policy on Sexual Harassment.** The City also prohibits all forms of sexual harassment. Sexual harassment includes, but is not limited to sexually-oriented jokes, flirtation, obscene letters or notes, inappropriate compliments, sexual propositions or advances, "cat calls" or whistling, possession or display of sexually-explicit objects or pictures, exchange of sexual "gag" gifts, inappropriate discussion of one's sexual experiences or desires, comments about an individual's body or appearance, sexual gestures, physical contact such as patting, pinching, or purposely rubbing up against another's body, demands or pressures (actual or implied) for sexual favors, continuing to express sexual or romantic interest after being informed the interest is not welcomed, making promises or suggestions (actual or implied) of preferential or adverse treatment as a result of one's acceptance or rebuttal of sexual advances, and retaliating against an employee for refusing sexual advances.

Harassment of any form is prohibited even if the person to whom it is directed appears to welcome this behavior or reciprocate it.

D. **Discipline.** Any employee who engages in, condones, or otherwise participates in any form of harassment in violation of this policy is subject to disciplinary action, up to and including discharge.

E. **Complaint Procedure.** An employee who believes he or she has experienced any form of aforementioned harassment should promptly report the matter to their department head or the City Administrator or if to do so would be inappropriate, to the chairman of the Personnel Committee for investigation.

F. **Investigation.** The City takes all complaints of sexual harassment seriously. All complaints will be investigated promptly and thoroughly. Information obtained during the investigation process will be kept confidential to the extent possible under the circumstances. When the investigation is complete, the City will advise the person who brought the complaint and the alleged harasser of the outcome of the investigation. Individuals who knowingly provide false information in an investigation, or refuse to cooperate in an investigation are subject to disciplinary action.

G. **Retaliation Prohibited.** The City strictly prohibits retaliation against any employee on the basis of his/her good faith report of harassment or participation in an investigation related to alleged harassment. An employee who believes that she or he has been retaliated against because the employee reported harassment or participated in a harassment investigation should report it immediately to the employee's department head or the City Administrator or if to do so would be inappropriate, to the chairman of the Personnel Committee."

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Alderman Niemietz moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Ebersohl, and the roll call vote was as follows:

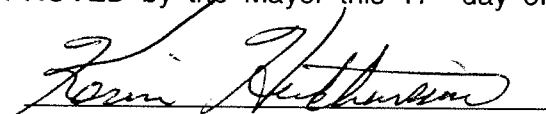
YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf
and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

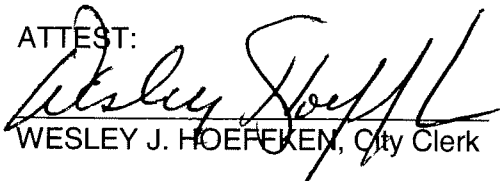
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 17th day of September, 2007.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFKEN, City Clerk

(SEAL)