

AUG - 3 2015

CITY OF COLUMBIA, ILLINOIS  
ORDINANCE NO. 3198

  
City Clerk

**AN ORDINANCE AMENDING THE CITY OF COLUMBIA MUNICIPAL CODE  
REGARDING UNLAWFUL DISCRIMINATION AND HARASSMENT**

WHEREAS, the City Council of the City of Columbia (“City Council”) previously adopted Section 2.68.040 of the City of Columbia Municipal Code (“City Code”), addressing discrimination and harassment towards City employees within the City of Columbia (“City”); and

WHEREAS, the City Council believes it is in the best interest of the City, and now desires to amend the City Code to be in further compliance with the City’s policy on employee discrimination and harassment.

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

**Section 1.** That the preceding recitations in the upper part of this Ordinance are realleged, restated and adopted as paragraph one (“1”) of this Ordinance.

**Section 2.** That Section 2.68.035 of the City Code shall read as follows:

**“Section 2.68.035 Employment Discrimination.**

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.”

**Section 3.** That Section 2.68.040 of the City Code shall be amended to read as follows:

**“Section 2.68.040 Prohibition Against Unlawful Harassment.**

A. **Scope of Harassment.** The City of Columbia prohibits harassment of job applicants or employees. Harassment includes, but is not limited to slurs, jokes, other verbal, graphic, or physical conduct relating to an individual’s race, color, sex, gender, religion, national origin, age, citizenship status, disability, handicap, sexual orientation, or genetic information. A violation of this harassment policy shall result in a corrective action, up to and including termination.

B. Sexual Harassment. Sexual harassment shall include any unwelcome sexual advances or requests for sexual favors, or any conduct of a sexual nature when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 2) Submission to or rejection of such conduct by an individual is used as the basis for any employment related decisions affecting the individual; or
- 3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Such conduct is illegal.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or jokes of a sexual nature are considered sexual harassment, including:

- 1) Sex-oriented verbal abuse;
- 2) Subtle pressure for sexual activity;
- 3) Physical contact as patting, pinching, or constant brushing against the body of another;
- 4) Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats concerning an individual's employment status;
- 5) Sexual names, pornographic material, or other similar demeaning or insulting behavior based on sex;
- 6) Unauthorized touching of a sexual nature;
- 7) Leering or ogling.

All such acts are prohibited and will result in corrective action up to and including termination. An employee who feels he/she has been the victim of sexual harassment by another employee should notify their department head, or the City Administrator, as quickly as possible. If the complaint involves the employee's department head, the employee should notify the next level of the chain of command. The matter will be investigated, and where appropriate, corrective action will be taken. If the employee is not satisfied with the way his or her report has been handled, he or she should arrange for a conference with the City Administrator to discuss his or her complaint. An employee should not assume the City is aware of the harassment. It is the employee's responsibility to report incidents he or she knows about.

C. Harassment Based on Protected Characteristics. If an employee believes he or she is being harassed based upon another legally protected characteristic other than sex, such as the employee's race, color, religion, national origin, age, citizenship status, disability, handicap, sexual orientation, or genetic information, he or she should report the harassment to their department head, or the City Administrator, as quickly as possible. If the complaint involves the employee's department head, the employee should notify the next level of the chain of command. The matter will be investigated, and where appropriate, corrective action will be taken. If the employee is not satisfied with the way his or her report has been handled, he or she should arrange for a conference with the City Administrator to discuss his or her complaint. An employee should not assume the City is aware of the harassment. It is the employee's responsibility to report incidents he or she knows about.

D. Harassment of City Employee by Non-City Employee. The harassment of a City employee by someone other than an employee of the City, but in connection with the employee's employment with the City, is also prohibited. Any employee who becomes aware of any such harassment of a City employee by a non-employee shall report such harassment to their department head. Appropriate action will be taken with respect to a violation of this policy by a non-City employee.

E. Reprisal/Retaliation. The City shall ensure that any employee that reports any form of harassment in good faith or who participates in a harassment related investigation will be protected from any employment related reprisal. In addition, employees who are investigated for a violation of the harassment policy shall be notified by the investigating City official that they are not to retaliate against the employee who has generated the complaint or any other employee that has participated within the investigation. Employees who file a complaint with the Human Rights Department or Human Rights Commission will not be retaliated against based on such complaint. Retaliation will be considered a violation of this policy and shall result in corrective action up to and including termination.

F. Resources. Employees who believe they are being harassed may contact the Illinois Department of Human Rights at (217)-785-5100 (222 South College, Room 101, Springfield, Illinois 62704) or the Illinois Human Rights Commission at (217)-785-4350 (401 South Spring, Room 404, Springfield, IL 62706). Remedies available through the Human Rights Department and Human Rights Commission in case of a valid substantiated complaint may include, but are not limited to:

- 1) Cease and desist orders;
- 2) Hiring, reinstatement, promotion, back pay and employee benefits;
- 3) Actual damages;
- 4) Attorney's fees and costs;
- 5) Compliance reports;

- 6) Posting of compliance notices.
- 7) Loss of public contracts.”

**Section 4.** This Ordinance shall be in full force and effect immediately upon passage as provided by law.

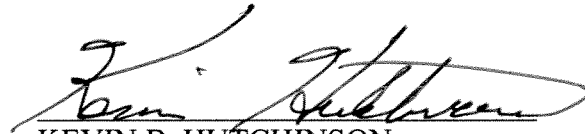
YEAS: Aldermen Ebersohl, Agne, Niemietz, Huch, Reis, Holtkamp and Martens.

NAYS: None.

ABSENT: Alderman Roessler.

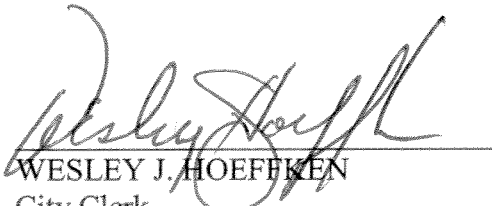
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 3rd day of August, 2015.



KEVIN B. HUTCHINSON  
Mayor  
City of Columbia

ATTEST:



WESLEY J. HOEFFKEN  
City Clerk  
City of Columbia