

RESOLUTION NO. 20091001-014

WHEREAS, the Director of Human Resources has recommended the following amendments of the Personnel Policies; and

WHEREAS, the City Manager approves and recommends adoption of this amendment; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City of Austin Personnel Policies be, and the same are hereby amended to add "gender identity" as a category of non discrimination to the conditions of work, reporting violations and grievance provisions.

PART 1. That Chapter A, Section I.A.1, **Discrimination**, be revised as follows:

As an Equal Employment Opportunity (EEO) employer, the City will conduct its staffing activities: selection, promotion, demotion, transfer, training and separation, in accordance with established federal, state and local EEO laws and regulations as they affect the City. The City of Austin will employ positive business and personnel practices designed to ensure equal employment opportunity.

The City of Austin will not discriminate against any applicant or employee based on race, creed, color, national origin, sex, gender identity, age, religion, veteran status, disability, or sexual orientation. In addition, the City will not discriminate in employment decisions on the basis of an individual's AIDS, AIDS Related Complex, or HIV status; nor will the City discriminate against individuals who are perceived to be at risk of HIV infection, or who associate with individuals who are believed to be at risk.

Every manager and supervisor is expected to implement this policy through uniform and consistent employment practices. Management is also responsible for maintaining a professional working environment free of intimidation, sexual harassment, racial harassment, other forms of harassment and discriminatory conduct.

PART 2. That Chapter A, Section I.A.4 **Reporting Violations**, be revised as follows:

Employees who experience discrimination, sexual harassment, another form of harassment or who become aware of a threatening situation as described in this policy, should immediately report it to their supervisor. If this is not a suitable avenue for addressing their complaint, employees are advised to contact their Assistant Department Director or Department Director or the Director of Human Resources. If an employee is aware of a threat of imminent physical harm to him/herself, another employee or member of the public, the employee should attempt to remove him/herself from the dangerous situation and immediately notify appropriate emergency personnel by calling "911." The employee should report this emergency call to his/her supervisor or management immediately.

No employee shall be discriminated against, harassed, intimidated, nor suffer any reprisal as a result of reporting violations of this policy in good faith. The procedure for complaining about discrimination and harassment based on race, creed, color, national origin, sex, gender identity, age, religion, veteran status, sexual orientation, disability, AIDS or HIV status, is found in Section IV.C.3. of these policies. The procedure for addressing complaints about general grievance issues, including other forms of harassment, may be found in Section IV.C.2. of these policies.

PART 3. That Chapter A, Section IV.C.3. **Discrimination Grievance**, be revised as follows:

Any employee who has a complaint based upon discrimination or harassment on the basis of race, creed, color, national origin, sex, gender identity, age, religion, veteran status, sexual orientation, or disability, including an individual's AIDS or HIV status may file a grievance.

[The remainder of Section IV.C.3. remains unchanged].

PART 4. That Chapter B, Section II.A.1. **Discrimination**, be revised as follows:

As an Equal Employment Opportunity (EEO) employer, the City will conduct its staffing activities: selection, promotion, demotion, transfer, training and separation, in accordance with established federal, state and local EEO laws and regulations as they affect the City. The City of Austin will employ positive business and personnel practices designed to ensure equal employment opportunity.

The City of Austin will not discriminate against any applicant or employee based on race, creed, color, national origin, sex, gender identity, age, religion, veteran status, disability, or sexual orientation. In addition, the City will not discriminate in employment decisions on the basis of an individual's AIDS, AIDS Related Complex, or HIV status; nor will the City discriminate against individuals who are perceived to be at risk of HIV infection, or who associate with individuals who are believed to be at risk.

Every manager and supervisor is expected to implement this policy through uniform and consistent employment practices. Management is also responsible for maintaining a professional working environment free of intimidation, sexual harassment, racial harassment, other forms of harassment and discriminatory conduct.

PART 5. That Chapter B, Section II.A.4. **Reporting Violations**, be revised as follows:

Employees who experience discrimination, sexual harassment, another form of harassment or who become aware of a threatening situation as described in this policy, should immediately report it to their supervisor. If this is not a suitable avenue for addressing their complaint, employees are advised to contact their Assistant Department Director or Department Head or the Director of Human Resources. If an employee is aware of a threat of imminent physical harm to him/herself, another employee or member of the public, the employee should attempt to remove him/herself from the dangerous situation and immediately notify appropriate emergency personnel by calling "911." The employee should report this emergency call to his/her supervisor or management immediately.

No employee shall be discriminated against, harassed, intimidated, nor suffer any reprisal as a result of reporting violations of this policy in good faith. The procedure for complaining about discrimination and harassment based on race, creed, color, national origin, sex, gender identity, age, religion, veteran status, sexual orientation, disability, AIDS or HIV status, is found in Section IV.C. of these policies. The procedure for addressing complaints about general grievance issues, including other forms of harassment, may be found in Section IV.B.

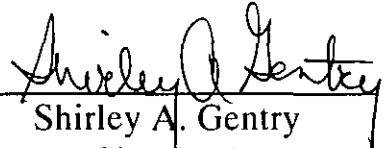
PART 6. That Chapter B, Section IV.C. **Discrimination Grievance**, be revised as follows:

Any employee who has a complaint based upon discrimination or harassment on the basis of race, creed, color, national origin, sex, gender identity, age, religion, veteran status, sexual orientation, or disability, including an individual's AIDS or HIV status may file a grievance.

[The remainder of Section IV.C. remains unchanged].

ADOPTED: October 1, 2009

ATTEST:


Shirley A. Gentry
City Clerk