



**Clean-up Ordinance:**  
***Requiring Elected Official Anti-discrimination  
& Harassment Policies***

**May 2021**



# Why a Safe Workplace is Important

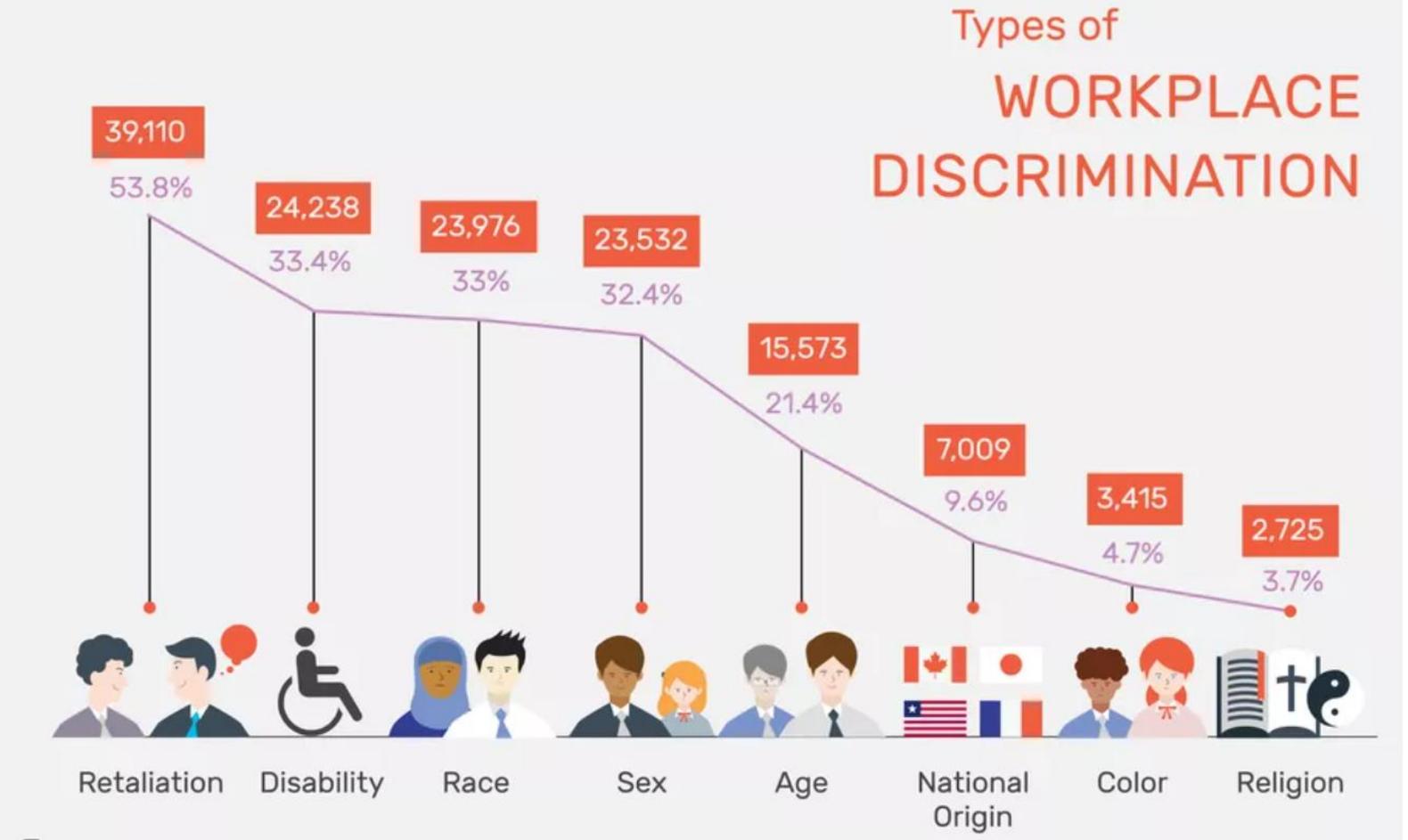
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When city employees believe that they can be themselves at work, they will be fully engaged.

- **Discrimination and Harassment can traumatize workers.**
- **Discrimination and Harassment inflict harm on an organization's productivity and morale.**
- **A safe workplace makes the City run more efficiently.**

# Breakdown of charges of workplace discrimination that were received by EEOC in FY2019

## Types of WORKPLACE DISCRIMINATION



Credit: The Balance 2020.  
[2019 Data from U.S. Equal Employment Opportunity Commission \(EEOC\)](#)

# Purposes of a Workplace Policy



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Set clear expectations  
Educate on them

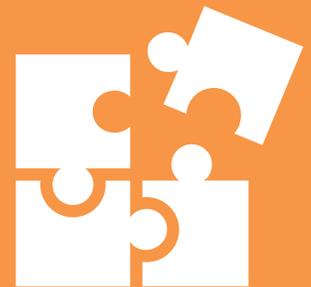
Process for complaining & investigating



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Opportunity to make behavior stop, to adjust workplace to mitigate, etc.

Discipline is only one component, may not be primary reason a victim decides to complain



# Why an Ordinance?



City Council



Clerk



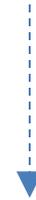
Auditor



Mayor

Elected officials & appointees exempt from certain federal non-discrimination laws, Career Service policies.

All have *voluntarily* adopted anti-discrimination policies governing themselves and their appointees to fill gap.



Proposed ordinance **makes these non-discrimination policies mandatory, ensures they remain.**



# Additional Legal Benefit

## Having a policy may help limit city's legal liability

- *Employers may avoid liability by responding promptly to complaints of misconduct with an investigation followed by swift corrective action.*<sup>1</sup>



1: Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998).

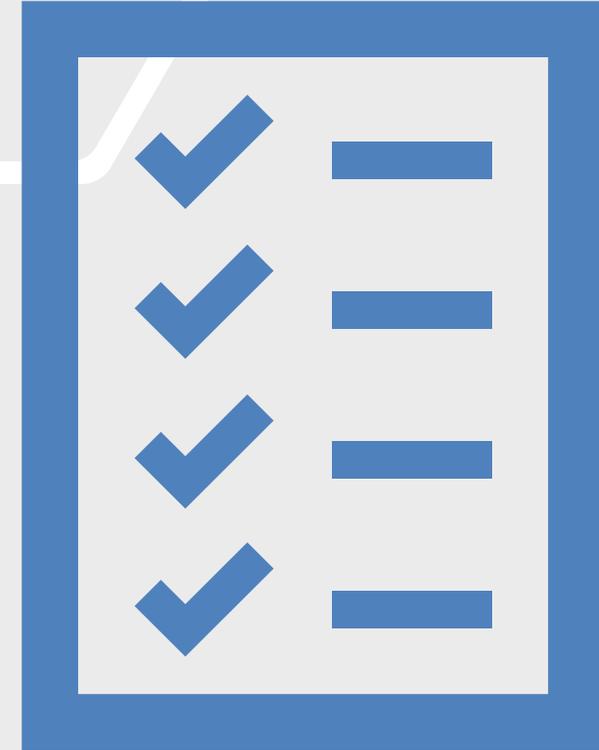
# Proposed Ordinance

Requires elected officials to have a policy governing themselves & their appointees.

Does not codify a single policy for all because:

- Victims can report to different individuals in each office
- Policies should be updated as new practices emerge

## Elected Official Anti-discrimination and Harassment Policies



# Ordinance Requirements for Each Policy

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**1.** Appropriate **reporting authority** for complaints against elected officials and their appointees

**2.** Prompt, thorough and **impartial investigation** of credible complaints

**3. Confidentiality** in process as permissible by law

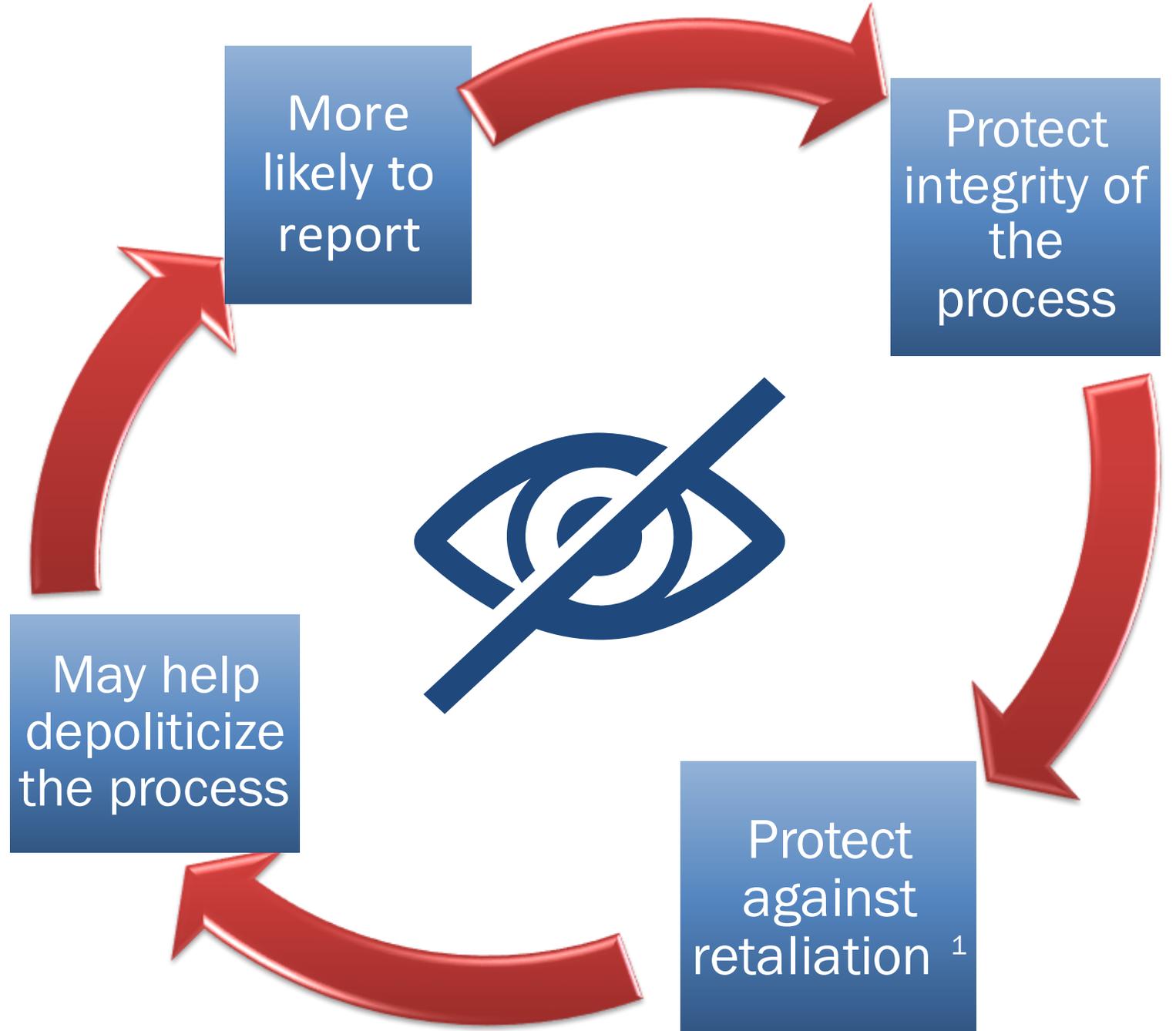
**4. Resolution process**

**5. Prohibit retaliation** for making complaints and/or assisting in the process



# Why is Confidentiality Important?

**In Colorado:**  
*Generally required by law*



1: See A Transformational Approach to Legislative Workplace Culture, Report to General Assembly, April 2, 2018  
<https://leg.colorado.gov/workplace-harassment-policy>;  
EEOC Manual at <https://www.eeoc.gov/laws/guidance/policy-guidance-current-issues-sexual-harassment>





Questions?

