



## Harassment and Discrimination Policy

The Central Region Workforce Investment Board (CWIB) and its subcontractors are committed to providing a workplace free of unlawful harassment and discrimination for all employees and customers. Employees assuming a management/supervisory role must report all complaints and instances of harassment or discrimination to the CWIB Equal Opportunity Officer immediately.

All complaints, to include unlawful harassment, discrimination and offensive behavior in general, will be investigated in a timely fashion and will remain confidential to the extent possible.

Employees as well as non-employees are prohibited from harassing or discriminating against staff, customers, and partner employees whether or not the incidents of harassment or discrimination occur on employer premises and whether or not the incidents occur during work hours. Behavior covered by this policy may extend beyond the normal work hours and occur at conferences, meetings, or other extra-curricular events. An incident may be considered harassment or discrimination even if the accused party did not intend to be offensive.

### Definitions

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*Unwelcome Conduct:* The employee did not solicit or invite the conduct and regarded it as undesirable.

*Power-differentiated Working Relationships:* Any work relationship in which one employee supervises or manages (directly or indirectly) another employee OR makes decisions concerning another employee's terms, conditions or privileges of employment.

*Intimate Relationships:* For the purposes of this policy the department will consider intimate relationships to be those that involve dating, sexual activity and/or romantic involvement.

Managers/supervisors participating in this type of relationship with their subordinates or with others where a power-differentiated relationship exists are in violation of this policy. Employees who find themselves involved in situations such as this are responsible for reporting their involvement to their supervisor, manager, or Human Resources.

The appropriate action will be taken to remove the power component from the relationship.

### 1. Unlawful Harassment

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Prohibited conduct includes unwelcome conduct, whether verbal, physical, or visual, that is based on or relates to an individual's sex, race, color, religion, national origin, age, disability, or any other status protected by law, and 1) has the purpose or effect of creating an intimidating, hostile or offensive working environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities.

Examples of prohibited conduct include but are not limited to epithets, slurs, negative stereotyping, written or graphic material, including e-mails that denigrate or show hostility toward an individual, or any other threatening or intimidating act that relates to race, gender, sex, color, religion, national origin, age, or disability.

## **2. Sexual Harassment**

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Prohibited behavior may also include any unwelcome behavior of a sexual nature such as: sexual advances and propositions; requests for sexual favors; sexual jokes, comments, suggestions, or innuendo; foul or obscene gestures or language; display of foul or obscene or offensive printed or visual material; physical contact such as patting, pinching, hugging or brushing against another individual's body; and any other unwelcome verbal, physical or visual conduct of a sexual nature where:

1. Submission to such conduct is an explicit or implicit condition of employment; or
2. Submission to or rejection of such conduct is used as a basis for employment-related decisions such as a promotion, discharge, performance evaluation, pay adjustment, discipline, work assignment or any other condition of employment or career development; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, abusive or offensive working environment.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment typically involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature.

## **3. Discrimination**

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The Central Region Workforce Investment Board and its subcontractors are committed to providing a work environment free from discrimination based on religion, race, sex, national origin, age, disability, color, or veteran status. Prohibited behavior may include, but is not limited to, discrimination in the provision of employment opportunities and training, benefits, or the creation of a discriminatory working environment.

### **Reporting Harassment or Discrimination**

Employees who feel they have witnessed or experience behavior prohibited by this policy in connection with their employment with CWIB and its subcontractors, or who have questions, concerns or complaints of discrimination, including a complaint of harassment, should immediately report the circumstances or incident as indicated below:

#### Employee Responsibilities

If employees believe they have been subjected to harassment, to include unwanted attention, or discrimination, the following steps should be taken:

1. If possible, make their unease and/or disapproval directly and immediately know to the offending party. Employees can often stop or prevent harassment by immediately and directly expressing their disapproval of any individual's conduct in a professional manner.
2. Make a written record of the date, time and nature of the incident and the names of any witnesses.
3. Immediately report the incident to the Equal Opportunity Officer, their supervisor, or their manager. All incidents of harassment and discrimination should be reported immediately regardless of whether or not the employee addressed the incident with the offending party.
4. To initiate a formal investigation into an alleged violation of this policy, employees must file a Harassment and Discrimination Complaint Form (Spanish) with the Equal Opportunity Officer. The Equal Opportunity Officer can assist the complainant in completing the Harassment and Discrimination Complaint Form. To ensure a prompt and thorough investigation, the complainant should provide as many details as possible.
5. Charges of unlawful discrimination or sexual harassment may also be filed with the Missouri Commission on Human Rights within 180 days of the most recent unlawful act.

### Management Responsibilities

Harassment and discrimination is a violation of federal and state law and cannot legally be ignored or hidden. All managers/supervisors are responsible for:

1. Immediately reporting all incidents of harassment or discrimination to the Equal Opportunity Officer whether or not a written complaint is received.
2. Taking steps to maintain a work environment free of harassment and discrimination and for taking corrective action if such incidents occur.

### Human Resources

Upon receiving a complaint or notification of an incident possibly involving harassment or discrimination, the Equal Opportunity Officer will be responsible for:

1. Ensuring that both the individual filing the complaint and the accused individual are aware of the seriousness of the allegations being made;
2. Explaining the Harassment and Discrimination Policy as well as the investigation procedures to both the complainant and the respondent;
3. Exploring informal means of resolving complaints, depending on the seriousness of the charges;
4. Notifying the police if criminal activities are alleged;

5. Arranging for an investigation of the alleged harassment or discrimination in a timely fashion and the preparation of a written report; and
6. Notifying the complainant of the findings in writing. However, no details about the nature or extent of any disciplinary or corrective actions will be disclosed to the complainant(s) and/or witness(es) unless there is a compelling reason such as the personal safety of the complainant.

### **Remedial Action**

1. Appropriate remedial action will be taken to remove all forms of harassment or discrimination.
2. Violating this policy may result in reprimand, suspension, demotion or dismissal.
3. All employees are required to cooperate with any investigation of situations of which they have knowledge. Any employee who impedes an investigation or provides false information may be subject to disciplinary action.

### **Retaliation**

1. Any employee who in good faith reports incidents of harassment or discrimination, or who participates in a related investigation should not experience retaliation as a result.
2. Any employee who believes they have been retaliated against should immediately inform his/her supervisor or the Equal Opportunity Officer.
3. Any employee who retaliates against another employee for filing or participating in an investigation of harassment or discrimination may be subject to disciplinary action.

### **Confidentiality**

1. All inquiries, complaints, and investigations are treated confidentially. Information is revealed strictly on a need to know basis. Information contained in a formal complaint is kept confidential and maintained in secure files.

## Accommodation Policy

It is the policy of the Central Region Workforce Investment Board (CWIB) and its subcontractors to comply with the Americans with Disabilities Act. CWIB is committed to the fair and equal employment of people with disabilities. CWIB and its subcontractors do not discriminate against qualified job applicants or employees with disabilities with regard to job application procedures, hiring, employee compensation, advancement, training, discharge or other terms, conditions and privileges of employment.

Job applicants and employees with disabilities shall be provided reasonable employment-related accommodations when necessary, unless the accommodation would impose an undue hardship. This policy provides guidelines for employees and job applicants who wish to apply for reasonable accommodations with CWIB and its subcontractors.

### Resources

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- U. S. Equal Employment Opportunity Commission, Chapter XIV – Part 1630 –
- Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act: <http://www.eeoc.gov>

### Definitions

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*Disability:* means, with respect to an individual,

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- A record of such an impairment; or
- Being regarded as having such an impairment.
- Refer to §1630.3 for exceptions to this definition.

*Essential Functions – In general:* The term *essential functions* means the fundamental job duties of the employment position the individual with a disability holds or desires.

- The term “essential functions” does not include the marginal functions of the position.
- Refer to §1630.2 for additional information regarding essential functions.

*Major Life Activities:* means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

*Reasonable accommodation:* The term *reasonable accommodation* means;

- Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such as qualified applicant desires; or
- Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that

enable a qualified individual with a disability to perform the essential functions of that position; or

- Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.
- Refer to §1630.2 for additional information regarding "reasonable accommodation".

*Undue hardship:* In general. Undue hardship means, with respect to the provision of an accommodation;

- Significant difficulty or expense incurred by a covered entity, when considered in light of the factors set forth in paragraph (p)(2) of this section (§1630.2).
- Refer to §1630.2 for additional information regarding "undue hardship".

#### Accommodation Request Procedure for Employees

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1. Employees requesting an accommodation will need to complete the Accommodation Request form and submit it, along with medical documentation to support the request, to the Equal Opportunity Officer.
2. In an effort to determine if the employee is a qualified individual with a disability and to evaluate the request for an accommodation the Equal Opportunity Officer may:
  - Discuss the requested accommodation with the employee.
  - Discuss the purpose and essential functions of the particular job involved with the supervisor/manager and the employee.
  - Identify/evaluate potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job. While an individual's preference will be given consideration, CWIB is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
  - Review undue hardships by considering and discussing with the Executive Director.
3. The Equal Opportunity Officer will provide a decision regarding the employees request for a reasonable accommodation to the employee within 30 days of receiving all necessary documentation/information.

#### Accommodation Request Procedure for Job Applicants

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1. The job applicant shall inform the Equal Opportunity Officer or Executive Director of the need for an accommodation in writing.
2. The Equal Opportunity Officer/Executive Director will discuss the needed accommodation and possible alternatives with the applicant.
3. The Equal Opportunity Officer/Executive Director will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

## Funding for Accommodations

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Funding for accommodations that do not cause an undue hardship must be agreed to and approved by the Executive Director.

## Employee Appeal Process

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- Employees who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the Equal Opportunity Officer within 30 days of the decision for a final decision.
- The Accommodation Request Appeal should be in writing and directed to the Equal Opportunity Officer, who can be reached at (573) 346-1766 x128, 604 Black Street, Rolla, MO 65401.
- If the employee believes the decision is based on discriminatory reasons, they may file a complaint through CWIB's complaint procedure or with the State Equal Opportunity Officer.



# REQUEST FOR ACCOMMODATION/ BUILDING EVACUATION

Request must be completed by the supervisor and the applicant or employee involved in the request. The applicant/employee and the supervisor must sign the form. A copy should be given to the applicant/employee and a copy must be maintained in the confidential medical records of the CWIB Human Resources Department.

This form is also used to request special accommodations needed to evacuate the building. In the event of an emergency, elevators may not be operating. If you need special accommodations to evacuate or be evacuated from the building, complete this form. It is the responsibility of the Equal Opportunity Officer to maintain and forward this information to the designated building safety coordinator/functional leader.

## SECTION A – IDENTIFYING INFORMATION

### POSITION INFORMATION *(Attach list of essential functions)*

1. Job Title/Position	2. Central Office Section/Local Office
3. Location	

### PERSONAL INFORMATION *(To be completed by applicant/employee)*

1. Name	2. Telephone Number (      )
3. Description of requested accommodation(s): _____ _____	
4. Accommodation(s) requested for safe building evacuation: <i>If employee is seeking accommodation for safe building evacuation ONLY, skip section B(1) and (2).</i> _____ _____	
5. Accommodation is necessary because: <i>(Attach appropriate documentation)</i> _____ _____ _____	
Applicant/Employee Signature	Date

## SECTION B – SUPERVISOR'S EVALUATION

1. I have discussed the essential functions of the position with the applicant/employee and identified that an accommodation may be required to perform one or more of those functions. I have discussed the following with the applicant/employee:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The specific functional limitations that the disability imposes in relation to the essential functions of the job are:  
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\_\_\_\_\_  
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**SECTION B – SUPERVISOR’S EVALUATION (Continued)**

3. Technical Assistance Sought:

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4. Options Considered:

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5. Applicant/Employee Preference:

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6. Accommodation(s):  Recommended  Not Recommended

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Supervisor Signature	Date
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**SECTION C – ACCOMMODATION APPROVAL/DISAPPROVAL**

1. Following recommended reasonable accommodation **approved**:

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2. Following accommodation has been requested and **not approved**:

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3. Reason(s) for not applying accommodation(s):

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Division/Agency Director Signature	Date
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*Attach Additional Pages or Documents As Needed*

*Central Region Workforce Investment Board is an equal opportunity employer/program.  
Auxiliary aids and services are available upon request to individuals with disabilities. Missouri Relay Services at 711.*