

RESOLUTION NO. 2005-166

AUTHORIZING AND APPROVING A REVISION TO THE PERSONNEL  
POLICIES OF THE GREATER CLEVELAND REGIONAL TRANSIT  
AUTHORITY TO AMEND THE EQUAL EMPLOYMENT OPPORTUNITY  
POLICIES

WHEREAS, the Board of Trustees has been granted the power and authority, pursuant to Chapter 306 of the Ohio Revised Code, to manage and conduct the affairs of the Greater Cleveland Regional Transit Authority; and

WHEREAS, the Board of Trustees has from time to time adopted and amended the Personnel Policies of the Greater Cleveland Regional Transit Authority; and

WHEREAS, on August 21, 2001, the Board of Trustees of the Greater Cleveland Regional Transit Authority adopted the Equal Employment Opportunity Policies for the Authority (Resolution No. 2001-119) which was amended on May 21, 2002 (Resolution No. 2002-096); and

WHEREAS, the Board of Trustees has determined that revision to the Personnel Policies may be necessary to assure compliance with state statutes and the Bylaws of the Greater Cleveland Regional Transit Authority; and

WHEREAS, the CEO, General Manager/Secretary-Treasurer has the overall responsibility for overseeing the implementation of the Equal Employment Opportunity Policies; and

WHEREAS, the General Manager delegates day-to-day responsibility to the Chief Civil Rights/Equal Opportunity Officer and Deputy General Manager, Legal Affairs; and

WHEREAS, pursuant to the revision of the Equal Employment Opportunity Policies, the CEO, General Manager/ Secretary-Treasurer has met with executive staff to determine that the revisions are in accordance to the federal, state and local laws, rules, and regulations; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority:

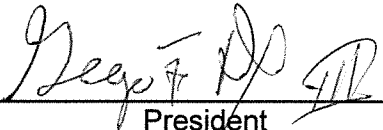
Section 1. That the Equal Employment Opportunity Policies for the Authority as set forth in Attachment A which is fully incorporated herein and further identified by the certificate of the CEO, General Manager/ Secretary-Treasurer, be and they are hereby adopted.

Section 2. That all other provisions of Resolutions 2001-119, 2002-096, and 2003-156 not expressly related herein shall remain in full force and effect.

Section 3. That this resolution shall become effective immediately upon its adoption.

Attachment: A – Equal Employment Opportunity Policies.

Adopted: November 15, 2005

  
\_\_\_\_\_  
President

Attest:   
\_\_\_\_\_  
CEO, General Manager/ Secretary-Treasurer

## **Section 200-- Equal Employment Opportunity**

### **200.01 EQUAL OPPORTUNITY/AFFIRMATIVE ACTION**

The Authority's program for equal employment opportunity is the written commitment to ensure equality of opportunity in its own employment practices as well as for its vendors, contractors and suppliers.

Specifically, it is the policy of the Authority that all terms and conditions of employment, including, but not necessarily limited to, recruitment, appointments, promotion, compensation, benefits, transfers, training, and educational opportunities, will be administered without regard to race, color, religion, sex, national origin or ancestry, age, or disability, provided said disability does not inhibit essential job performance. Further, it is the Authority's intent to comply with appropriate Federal and State laws, rules and regulations pertaining to the treatment of minorities, women, disabled persons, and Vietnam-era veterans in all facets of the Authority's activities.

Direct responsibility for development and implementation of the Authority's Equal Opportunity Program lies with the Deputy General Manager, Legal Affairs, who reports to the CEO, General Manager/Secretary-Treasurer. However, all administrative personnel and supervisors are expected to cooperate in this effort, and their performance relative to ensuring equal employment opportunity will be evaluated just as their performance is in other areas of responsibility.

### **200.02 NON-HARASSMENT & RETALIATION**

GCRTA is committed to providing a professional work environment free from all forms of discrimination and conduct that can be considered harassing, coercive or disruptive. GCRTA will not tolerate any form of harassment in the workplace, including acts by or on non-employees.

All GCRTA employees are expected to avoid any behavior or conduct toward any other employee that could be interpreted as unlawful harassment. The use by employees of disparaging or insulting references due to age, race, gender, color, creed, sex or physical impairment is prohibited. Such comments will be considered injurious to the well-being of affected employees and disparaging to all employees in our workforce. Disciplinary action, up to and including discharge, may be taken against any and all employees engaging in unlawful harassment.

It is the policy of GCRTA that employees who, in good faith, report violations of this policy or any of GCRTA's EEO policies will not be the subject of reprisals or other punishment as a consequence of reporting the violation.

All management and/or supervisory personnel shall notify the Authority's Office of Equal Opportunity immediately upon becoming aware of unlawful harassment or discrimination.

Employees should contact the Office of Equal Opportunity if they have any questions related to harassment and/or discrimination or wish to confidentially discuss a situation related to harassment and/or discrimination. The Office of Equal Opportunity will formally investigate all allegations.

## **200.03                      WORKPLACE & SEXUAL HARASSMENT**

Federal and State laws prohibit employers from discriminating against employees because of race, color, religion, sex, national origin, disability, age, or ancestry. No employee is to be retaliated against for filing a complaint based on a belief that they have been discriminated against or harassed in some manner.

It is the policy of the Greater Cleveland Regional Transit Authority that sexual harassment in the workplace is unacceptable and will not be tolerated.

To help clarify what sexual harassment is, the Federal Equal Employment Opportunity Commission has issued guidelines on the subject. Those guidelines state that unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature will constitute sexual harassment when:

- (1) Submission to sexual conduct is an explicit or implicit term or condition of an individual's employment;
- (2) Submission to or rejection of sexual conduct by an individual is the basis for any employment decision affecting that individual; or
- (3) Sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment. Sexual harassment can be committed by a person of either sex against a person of the opposite or same sex, can occur in any workplace relationship and can occur during or outside of work hours. Sexual harassment can include, but is not limited to, sexually oriented jokes or comments and verbal "kidding" or "teasing", gender biased comments, subtle pressure for sexual activity, physical contact such as patting, pinching or brushing against another's body, and sexually explicit or suggestive posters, calendars electronic communications, or other publications in the workplace.

The Authority will not tolerate any form of sexual harassment or gender discrimination in the workplace, including acts of non-employees. Disciplinary action shall be taken promptly against any and all employees, including all employees with supervisory responsibilities, engaging in sexual harassment and/or gender discrimination.

All employees of the Authority (management and non-management) are expected to avoid any behavior or conduct toward any other employee that could be interpreted as sexual harassment and/or gender discrimination.

All management and/or supervisory personnel shall notify the Authority's Office of Equal Opportunity immediately upon becoming aware of sexual harassment or gender discrimination.

Employees should contact the Office of Equal Opportunity if they have any questions related to sexual harassment and/or gender discrimination or wish to confidentially discuss a situation related to sexual harassment and/or gender discrimination. The Office of Equal Opportunity will formally investigate all allegations.

#### **200.04            AMERICANS WITH DISABILITIES ACT**

The Americans with Disabilities Act (ADA) of 1990, and the Rehabilitation Act of 1973 prohibit discrimination against a qualified individual with a disability in regards to terms, conditions and privileges of employment. The prohibition covers all aspects of the employment process, including but not limited to, application, testing, hiring, evaluation, training, promotion, termination, and benefits.

The Authority will provide reasonable accommodations to any qualified applicant or employee with a disability unless the accommodation would impose an undue hardship on the Authority. A reasonable accommodation is any modification or adjustment to a job, an employment practice or the work environment that makes it possible for an individual with a disability to enjoy equal employment opportunity.

Generally, it is the responsibility of the individual with a disability to inform the Authority that an accommodation is needed. In compliance with the Americans with Disabilities Act, an employee can request accommodation through either the Office of Employment Opportunity or Medical services. Requests for accommodation will be considered in light of the legal standards set forth in the ADA, as well as all other applicable laws and statutes.



Greater Cleveland Regional Transit Authority  
**STAFF SUMMARY AND COMMENTS**

Q-3

TITLE/DESCRIPTION:  AUTHORIZING AND APPROVING A REVISION TO THE PERSONNEL POLICIES OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO AMEND THE EQUAL EMPLOYMENT OPPORTUNITY POLICIES	Resolution No.: 2005-166
	Date: November 10, 2005
	Initiator: Legal/Office of Equal Opportunity
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 PURPOSE/SCOPE: This action will approve a revision to the Equal Employment Opportunity Policies for the Greater Cleveland Regional Transit Authority.
- 2.0 DESCRIPTION/JUSTIFICATION: The Non-Harassment & Retaliation Policy is being revised to emphasize that any employee that files a good faith EEO complaint will not be the subject of reprisals. In addition, this revision formally approves the transfer of the Office of Equal Opportunity (OEO) from the Human Resources Division to the Legal Affairs Division, as well as, updates the contact information in the policies.
- 3.0 PROCUREMENT BACKGROUND: Does not apply.
- 4.0 DBE/AFFIRMATIVE ACTION BACKGROUND: Does not apply.
- 5.0 POLICY IMPACT: This action will revise Section 200, Equal Employment Opportunity Policies, of the Personnel Policies and Procedures Manual.
- 6.0 ECONOMIC IMPACT: Does Not Apply.
- 7.0 ALTERNATIVES: Disapprove the revision to the Equal Employment Opportunity Policies as proposed. This option would not allow the General Manager to revise the Equal Employment Opportunity Policies relative to federal, state and local regulations. In addition, disapproval by the Board of Trustees would conflict with the revised organizational structure.
- 8.0 RECOMMENDATION: Staff recommends that the Board formally adopt the policies set forth in this resolution.
- 9.0 ATTACHMENTS:

A – Proposed revised Equal Employment Opportunity Policies

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.

\_\_\_\_\_  
CEO, General Manager/Secretary-Treasurer