

RESOLUTION NO. 2022-39

AMENDING SECTIONS 642.01, 642.02, 642.03 AND 642.04 OF THE
CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND
REGIONAL TRANSIT AUTHORITY

WHEREAS, pursuant to Resolution No. 1989-176, the Board of Trustees of the Authority codified the resolutions establishing its policies and procedures; and

WHEREAS, the Authority has conducted a review and determined that Sections 642.01 Equal Opportunity/Affirmative Action, 642.02 Non-harassment & Retaliation, 642.03 Sexual Harassment and 642.04 Americans With Disabilities Act should be updated to bring these policies up to date with current equal employment opportunity law.

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

Section 1. That Sections 642.01 Equal Opportunity/Affirmative Action, 642.02 Non-harassment & Retaliation, 642.03 Sexual Harassment and 642.04 Americans With Disabilities Act are hereby amended to read as specified in Attachment A hereto.

Section 2. That the Board of Trustees hereby waives the fourteen-day period provided for in Article XI, Section 2 of the Bylaws.

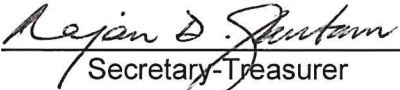
Section 3. That this resolution shall become effective immediately upon its adoption.

Attachment: A. Sections 642.01 Equal Opportunity/Affirmative Action, 642.02 Non-harassment & Retaliation, 642.03 Sexual Harassment and 642.04 Americans With Disabilities Act.

Adopted: April 26, 2022



President

Attest: 

Secretary-Treasurer

ATTACHMENT A TO RESOLUTION

EQUAL EMPLOYMENT OPPORTUNITY

642.01 EQUAL OPPORTUNITY/AFFIRMATIVE ACTION.

(a) 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.

(b) 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, gender, gender identity, sexual orientation, national origin or ancestry, age, military status, genetic information, or disability, provided said disability does not inhibit performance of the essential functions of the job. Further, it is the Authority's intent to comply with appropriate federal and state laws, rules, and regulations pertaining to the treatment of members of all protected classes in all facets of the Authority's activities.

(c) Direct responsibility for development and implementation of the Authority's Equal Opportunity Program lies with the Civil Rights Officer and General Manager, CEO; and the Deputy General Manager of Administration and External Affairs. All management and supervisory personnel are expected to cooperate in this effort. Ensuring equal employment opportunity across the Authority will be evaluated equally alongside all other performance metrics for management and supervisory personnel.

(Res. 2001-119. Passed 8-21-01; Res. 2005-166. Passed 11-15-05. Res. 2022-XXX. Passed 04-XX-2022. Ref. PP 200.01)

642.02 NON-HARASSMENT & RETALIATION.

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

(b) Federal and state laws prohibit employers from discriminating against employees because of race, color, religion, sex, gender, gender identity, sexual orientation, national origin or ancestry, age, military status, genetic information or disability. No employee is to be retaliated against for filing a complaint based on a belief that they or another person have been discriminated against and/or harassed in some manner.

(c) All GCRTA employees are expected to avoid any behavior or conduct toward any other person that could be interpreted as unlawful harassment. The use of disparaging or insulting references due to race, color, religion, sex, gender, gender identity, sexual orientation, national origin or ancestry, age, military status, genetic information or disability is prohibited. Such comments will be considered disparaging and injurious to the well-being of affected employees/non-employees. Disciplinary action, up to and including discharge, may be taken against any employee engaging in unlawful harassment.

(d) It is the policy of the Authority that employees who, in good faith, report alleged violations of the Authority's Equal Employment Opportunity policies or any other equal opportunity policies will not be subjected to reprisals or other punishment as a consequence of reporting the alleged violation.

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

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

(Res. 2001-119. Passed 8-21-01; Res. 2005-166. Passed 11-15-05. Res. 2022-XXX. Passed 04-XX-2022. Ref. PP 200.02)

642.03 SEXUAL HARASSMENT.

(a) It is the policy of the Authority that sexual harassment in the workplace is unacceptable and will not be tolerated.

(b) The Federal Equal Employment Opportunity Commission has issued guidelines defining sexual harassment. 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 or rejection of sexual conduct explicitly or implicitly affects an individual's employment;
- (2) Submission to or rejection of sexual conduct unreasonably interferes with an individual's work performance; or
- (3) Submission to or rejection of sexual conduct creates an intimidating, hostile or offensive work environment.

(c) The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee, such as a vendor or customer. Sexual harassment can be committed by a person of either sex against a person of the

opposite or same sex. Sexual harassment can occur during or outside of work hours. Sexual harassment can include, but is not limited to, sexually oriented jokes; comments; verbal “kidding” or “teasing;” 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, social media, and/or other publications in the workplace.

(d) The Authority will not tolerate any form of sexual harassment in the workplace, including acts by non-employees. Disciplinary action up to and including discharge shall be taken promptly against any employee engaging in sexual harassment.

(e) All employees of the Authority are expected to avoid any behavior or conduct toward any other person that could be interpreted as sexual harassment.

(f) All management and supervisory personnel are required to notify the Authority's Office of Equal Opportunity immediately upon becoming aware of sexual harassment.

(g) Employees should contact the Office of Equal Opportunity if they have any questions or wish to confidentially discuss a situation related to sexual harassment. The Office of Equal Opportunity will formally investigate all allegations. (Res. 2001-119. Passed 8-21-01; Res. 2005-166. Passed 11-15-05. Res. 2022-XXX. Passed 04-XX-2022. Ref. PP 200.03)

642.04 AMERICANS WITH DISABILITIES ACT.

(a) The Americans with Disabilities Act Amendments Act of 2008 (“ADAAA”), Americans with Disabilities Act (“ADA”) of 1990, the Rehabilitation Act of 1973, and state law prohibit discrimination against a qualified individual with a disability in regards to the terms, conditions, and privileges of employment. This prohibition covers all aspects of the employment process including, but not limited to, application, testing, hiring, evaluation, training, promotion, discipline, termination, and benefits.

(b) 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. Under the ADA and ADAAA, the Authority is not required to provide the exact accommodation an employee requests so long as the accommodation provided makes it possible for the employee to perform the essential functions of their job.

(c) It is the responsibility of the individual with a disability to inform the Authority that an accommodation is needed. In compliance with the ADA, an employee can request an accommodation through the Office of Employment Opportunity. Requests for an accommodation will be considered in light of the legal standards set forth in the ADA and ADAAA, as well as all other applicable federal and state laws and regulations.

(Res. 2001-119. Passed 8-21-01; Res. 2005-166. Passed 11-15-05; Res. 2009-24. Passed 4-21-09. Res. 2022-XXX. Passed 04-XX-2022. Ref. PP 200.04)



TITLE/DESCRIPTION: AMENDING SECTIONS 642.01, 642.02, 642.03 AND 642.04 OF THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY	Resolution No.: 2022-39
	Date: April 21, 2022
	Initiator: Administration & External Affairs
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 resolution will amend Sections 642.01 Equal Opportunity/Affirmative Action, 642.02 Non-harassment & Retaliation, 642.03 Sexual Harassment and 642.04 Americans With Disabilities Act of the Codified Rules and Regulations ("Code") of the Greater Cleveland Regional Transit Authority.
- 2.0 DESCRIPTION/JUSTIFICATION: The Policies and Procedures of the Board of Trustees were codified in 1989, pursuant to Resolution 1989-176. The Code Book is now undergoing a comprehensive review and update so that the Code will conform to the current structure and operations of the Authority. The proposed amendments will bring the policies up to date with current equal employment opportunity law.
- 3.0 PROCUREMENT BACKGROUND: Does not apply.
- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: Does not apply.
- 5.0 POLICY IMPACT: Adoption of the resolution will bring the Authority's equal employment opportunity policies up to date with current law.
- 6.0 ECONOMIC IMPACT: Does not apply.
- 7.0 ALTERNATIVES: Not adopting this resolution. Not adopting this resolution would result in policies that remain out of date.
- 8.0 RECOMMENDATION: This resolution was discussed at the April 12, 2022 Committee of the Whole meeting and recommended for consideration by the full Board of Trustees. It is recommended that this resolution be adopted.
- 9.0 ATTACHMENT: A. Red-line of proposed amendments to Sections 642.01, 642.02, 642.03 and 642.04.

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



General Manager, Chief Executive Officer

ATTACHMENT A TO STAFF SUMMARY

EQUAL EMPLOYMENT OPPORTUNITY

642.01 EQUAL OPPORTUNITY/AFFIRMATIVE ACTION.

(a) 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.

(b) 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, gender, gender identity, sexual orientation, national origin or ancestry, age, military status, genetic information, or disability, provided said disability does not inhibit essential job performance of the essential functions of the job. Further, it is the Authority's intent to comply with appropriate ~~Federal~~ federal and State state laws, rules, and regulations pertaining to the treatment of minorities, women, disabled persons, and Vietnam-era veterans members of all protected classes in all facets of the Authority's activities.

(c) 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/Civil Rights Officer and General Manager, CEO; and the Deputy General Manager of Administration and External Affairs.~~ —However, a All administrative personnel management and supervisory personnel 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. Ensuring equal employment opportunity across the Authority will be evaluated equally alongside all other performance metrics for management and supervisory personnel.

(Res. 2001-119. Passed 8-21-01; Res. 2005-166. Passed 11-15-05. Res. 2022-XXX. Passed 04-XX-2022. Ref. PP 200.01)

642.02 NON-HARASSMENT & RETALIATION.

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

(b) Federal and state laws prohibit employers from discriminating against employees because of race, color, religion, sex, gender, gender identity, sexual orientation, national origin or ancestry, age, military status, genetic information or disability. No employee is to be retaliated against for filing a complaint based on a

belief that they or another person have been discriminated against and/or harassed in some manner.

(cb) All GCRTA employees are expected to avoid any behavior or conduct toward any other employee-person 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~~ race, color, religion, sex, gender, gender identity, sexual orientation, national origin or ancestry, age, military status, genetic information or disability is prohibited. Such comments will be considered disparaging and injurious to the well-being of affected employees/non-employees and ~~disparaging to all employees in our workforce and non-employees~~. Disciplinary action, up to and including discharge, may be taken against any ~~and all employees~~ engaging in unlawful harassment.

(de) It is the policy of ~~GCRTA~~ the Authority that employees who, in good faith, report alleged violations of ~~this policy or any of GCRTA's~~ the Authority's Equal Employment Opportunity ("EEO") policies or any other equal opportunity policies will not be ~~the~~ subjected to reprisals or other punishment as a consequence of reporting the alleged violation.

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

(fe) Employees should contact the Office of Equal Opportunity if they have any questions or wish to confidentially discuss any situations 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.

(Res. 2001-119. Passed 8-21-01; Res. 2005-166. Passed 11-15-05. Res. 2022-XXX. Passed 04-XX-2022. Ref. PP 200.02)

642.03 ~~WORKPLACE AND~~ SEXUAL HARASSMENT.

~~(a) 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.~~

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

(be) ~~To help clarify what sexual harassment is, t~~The Federal Equal Employment Opportunity Commission has issued guidelines on the subject defining sexual harassment. 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 or rejection of sexual conduct is an explicit or implicit term or condition of an individual's employment explicitly or implicitly affects 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~~ unreasonably interferes with an individual's work performance; 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~~ Submission to or rejection of sexual conduct creates an intimidating, hostile or offensive work environment.

~~(cd)~~ The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee, such as a vendor or customer. Sexual harassment can be committed by a person of either sex against a person of the opposite or same sex. Sexual harassment can occur during or outside of work hours. Sexual harassment can include, but is not limited to, sexually oriented jokes; comments; verbal "kidding" or "teasing;" 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, social media, and/or other publications in the workplace.

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

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

(f) All management and/or supervisory personnel ~~shall are required to~~ notify the Authority's Office of Equal Opportunity immediately upon becoming aware of sexual harassment ~~or gender discrimination~~.

(g) Employees should contact the Office of Equal Opportunity if they have any questions ~~or wish to confidentially discuss a situation~~ 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.

(Res. 2001-119. Passed 8-21-01; Res. 2005-166. Passed 11-15-05. Res. 2022-XXX. Passed 04-XX-2022. Ref. PP 200.03)

642.04 AMERICANS WITH DISABILITIES ACT.

(a) The Americans with Disabilities Act Amendments Acts of 2008 ("ADAAA"), Americans with Disabilities Act ("ADA") of 1990, ~~and~~ the Rehabilitation Act of 1973, ~~and state law~~ prohibit discrimination against a qualified individual with a disability in regards to ~~the~~ terms, conditions, and privileges of employment. ~~This~~ prohibition covers all aspects of the employment process, including, but not limited to, application, testing, hiring, evaluation, training, promotion, discipline, termination, and benefits.

(b) 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. Under the ADA and ADAAA, the Authority is not required to provide the exact accommodation an employee requests so long as the accommodation provided makes it possible for the employee to perform the essential functions of their job.

(c) ~~Generally, i~~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 an accommodation through ~~either~~ the Office of Employment Opportunity ~~or Medical services~~. Requests for an accommodation will be considered in light of the legal standards set forth in the ADA and ADAAA, as well as all other applicable federal and state laws and regulations statutes.

(Res. 2001-119. Passed 8-21-01; Res. 2005-166. Passed 11-15-05; Res. 2009-24.

Passed

4-21-09. Res. 2022-XXX. Passed 04-XX-2022. Ref. PP 200.04)