



# GENERAL ORDER



Date of Issue February 1, 2020		Effective Date February 1, 2020	No. 86-2
Subject EQUAL EMPLOYMENT OPPORTUNITY PLAN		Distribution A	Amends 86-2, issued 02/01/18
Reference Village Personnel Rules Chapters 3 & 20 Village Anti-Harassment Policy BGPD Rules & Regulations General Orders R-01, R-04, U-01, U-02, U-03 5 ILCS 430 740 ILCS 174/5 775 ILCS 5/2-101E 775 ILCS 5/6 CALEA 26.1.3, 31.2.3		Rescinds 86-2, issued 12/11/86, 12/11/93, 10/19/00, 05/21/04, 10/11/11	

## **DISCUSSION:**

It is the policy of the Buffalo Grove Police Department that all personnel activities shall be conducted in a manner that will assure equal employment opportunity for all qualified persons. The Police Department is committed to providing equal opportunities to all applicants and employees on the basis of merit, without regard to a person's actual or perceived race, color, religion, sex, sexual orientation, gender, gender identity or expression, pregnancy, childbirth or medical condition related to childbirth or pregnancy, marital status, age, national origin, order of protection status, ancestry, genetic information, mental or physical disability, citizenship status, military status or unfavorable discharge from military service, or on any other basis prohibited by law. This policy applies to all aspects of employment, training, compensation, promotion, discipline, discharge and other terms and conditions of employment without regard to any legally protected category. The Police Department also prohibits unlawful harassment based on any of the protected categories listed above.

The Buffalo Grove Police Department is firmly committed to providing equal access to employment opportunities and will make all reasonable accommodations for disabled individuals in accordance with the Americans with Disabilities Act, the Illinois Human Rights Act, and all other applicable federal, state, and local laws. The Police Department will make reasonable accommodations when necessary for all employees and/or applicants with disabilities and/or are affected by pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, provided the individual is otherwise qualified to perform the essential functions of the job.

## **ORDER:**

In order to ensure nondiscrimination the following Equal Employment Opportunity Plan is hereby established:

- I. No employee shall discriminate against another employee in violation of the above stated policy.
- II. All application contact cards, employment application forms, and employment advertisements will indicate that the Buffalo Grove Police Department is an equal opportunity employer.

### **III. Disability and Pregnancy Accommodation**

The Police Department prohibits discrimination on the basis of pregnancy, medical conditions related to pregnancy or childbirth or disability. Therefore, the police department will not refuse to hire, segregate, or take any other employment action with respect to recruitment, hiring, promotion, renewal of employment, selection for training, discharge, discipline, seniority, privileges or conditions of employment on the basis of pregnancy or disability.

The Police Department is also committed to providing reasonable accommodations when necessary for all employees and/or applicants with disabilities and/or employees who are affected by pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, provided the individual is otherwise qualified to perform the essential functions of the job. Accommodation requests will be addressed on a case-by-case basis with consideration of the employee's medical needs and the nature of the duties performed.

Additionally, the Police Department will not require an employee affected by pregnancy or other disability to take a leave of absence (against the employee's wishes) if another reasonable accommodation can be provided to the known medical conditions related to the disability, pregnancy or childbirth. Further, the Police Department will not fail or refuse to reinstate an employee affected by pregnancy or other disability to his/her original job or to a comparable position with equivalent pay, seniority, and benefits upon the employee signifying his/her intent to return to work or when the need for reasonable accommodation ceases, unless there is evidence to establish the requested accommodation would impose an undue hardship on the Police Department's operations.

The Police Department may request documentation from an employee's health care provider concerning the need for the requested reasonable accommodation(s); the medical justification for the requested accommodation(s); a description of the reasonable accommodation(s) that is medically advisable; the date the reasonable accommodation(s) became (or will become) medically advisable; and the probable duration of the reasonable accommodation(s). This information will help identify the types of available accommodations that may exist.

#### IV. Religious Accommodations

The Police Department will attempt to make reasonable accommodations for an employee's observance of religious holidays and sincerely held religious beliefs. If an employee desires a religious accommodation, such as an exemption from the grooming or proper attire requirements, as outlined in General Orders U-01, U-02 & U-03, the employee is required to make the request in writing to their immediate Supervisor as far in advance as possible. Employees should also feel free to go directly to the Chief of Police, whether or not the request has been communicated to the employee's Supervisor.

- V. An integral part of the equal opportunity employment plan is an expeditious, internal procedure for resolving alleged acts of employment discrimination. Alleged violations of this policy should be promptly reported to the Village Manager (or designee), Chief of Police, Deputy Chief, Director of Human Resources or Deputy Village Manager, or designee. All such reports will be promptly investigated and remedied as appropriate. No retaliation will be taken or tolerated against any person who files a complaint, requests an accommodation, and/or participates in an investigation under this policy.
- A. Sworn Officers: Allegations of discrimination arising out of promotion, suspension or dismissal for Patrol Officers, Sergeants and Lieutenants are subject to the rules and regulations of the Board of Fire and Police Commission. All other acts of alleged employment discrimination may be addressed pursuant to the department's grievance procedure, as outlined in *General Order R-01*.
- B. Civilian Employees: The discrimination complaint resolution procedure for civilian employees is provided in *General Order R-01*.
- C. Applicants: Applicants may address discrimination issues to the Chief of Police.
- D. Chief of Police: Any allegation of discrimination that is reduced to writing shall be copied and forwarded to the Chief of Police at the time a formal grievance is filed.
- E. Responsibility: The Director of Human Resources is charged with overall responsibility for the administration of equal employment opportunity and nondiscrimination policies of the Village. The Chief of Police will keep the Director and the Village Manager informed of any written discrimination allegation.

#### VI. Annual Review

Annually, the Chief of Police, or designee, will review the Equal Opportunity Plan and analyze the department's employment policies, practices and procedures to assure equal employment opportunity for all qualified persons.

#### VII. Harassment

- A. The Police Department will not tolerate harassment or retaliation of any kind in the workplace based on any legally protected status. Even if a situation does not rise to the level of unlawful harassment or retaliation, the offender may be subject to disciplinary action under this policy if the conduct is deemed to be unprofessional or inappropriate.
- B. Harassment consists of (not all inclusive) unwelcome, physical, visual or spoken conduct regarding any protected categories listed above. The Police Department will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. Such harassment may include, for example, epithets, slurs, derogatory remarks, negative stereotyping, jokes, kidding, and teasing directed at a person based on his or her protected status, or posting, displaying or circulating written or graphic material that denigrates or shows hostility or aversion to an individual because of such status.
- C. Each Supervisor is responsible for maintaining the workplace free of harassment. This is accomplished by promoting a professional environment and by dealing with harassment as with all forms of employee misconduct. It must be remembered Supervisors are the first line of defense against harassment. By setting the right example, a Supervisor may discourage his or her employees from acting inappropriately. In addition, Supervisors will often be the first to spot objectionable conduct or the first to receive a complaint about conduct, which he or she did not observe.

Supervisors must address an observed incident of actual or potential harassment with equal seriousness: (i) report it, (ii) take prompt action to investigate it, (iii) implement appropriate disciplinary action (iv) take all the necessary steps to eliminate the harassment, and (v) observe strict confidentiality when appropriate. This also applies to cases where an employee tells the supervisor about behavior that he/she believes may be considered harassment but he/she does not want to make a formal complaint.

- D. All Police Department employees must continue to act responsibly to help maintain a comfortable working environment free from harassment and intimidation. Any Police Department employee who violates this policy will be subject to disciplinary action, including termination.

- E. Retaliation against any person who has complained about harassment, filed a charge of harassment, or who otherwise participated in an investigation of harassment will not be tolerated. This extends to a contractor, consultant, vendor or visitor who reports an incident of harassment and to employees who were denied a request for a reasonable accommodation.

#### VIII. Sexual Harassment

- A. Sexual harassment means any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or receipt of Village services; or
  2. Submission to or rejection of such conduct by an individual is used as the basis of any employment or service decision affecting the individual; or
  3. Such conduct has the purpose or effect of substantially interfering with the work performance of an employee or creating an intimidating, hostile or offensive environment for employees, vendors or visitors.
- B. No Supervisor or other employee has the authority to engage in such conduct or to alter another employee's terms or conditions of employment based on the employee's refusal to submit to such conduct. The Police Department strictly prohibits its Supervisors and other employees from implying or suggesting that an applicant or employee's submission to or refusal to submit to sexual advances or participation in such sexual conduct is a condition of continued employment or receipt of any job benefit (including job assignment, compensation advancement, career development, or any other term or condition of employment).
- C. This policy extends to employees in all positions and to all contractors, consultants and vendors who perform services for the police department.
- D. Examples of Sexual Harassment include, but are not limited to:
1. Pressure for sexual activity (subtle or overt);
  2. Unwelcome touching or intimacy, including pinching, patting or hugging;
  3. Insulting, degrading or obscene sexual remarks, innuendoes, jokes or conduct;
  4. Posting or display of sexually offensive or degrading materials in the workplace such as pictures or cartoons;
  5. Epithets, slurs, derogatory remarks or negative stereotyping based on gender;
  6. Comments about sex life or body parts; and
  7. Repeatedly asking out for a date someone who has refused.

**Factors that establish a hostile work environment include sexual conduct which is:**

1. Frequent and severe; or
2. Physically threatening or humiliating; or
3. Interferes with job performance; or
4. Discourages employee(s) from remaining on the job, or keeps employee(s) from advancing in one's career.

Further, the following behaviors, if based on any protected category are improper and against the policies of the department:

1. Use of epithets, slurs, derogatory remarks, negative stereotyping, or other threatening, intimidating or hostile acts that relate to such status; or
2. Posting, displaying or circulating written or graphic material that denigrates or shows hostility or aversion to an individual because of status.

#### IX. Procedure for Reporting Harassment

A. All complaints of harassment are serious and considered serious misconduct.

1. Any employee who feels he or she has been the victim of any type of harassment from anyone, including Supervisors, staff, co-workers, or in some cases non-employees such as vendors or visitors, should report the matter immediately to the Chief of Police, the Director of Human Resources, the Deputy Village Manager, or designee, **or any Supervisor, providing said person is not involved in the harassment allegation.** Employees shall take certain steps to help ensure that their protection under the law and department rules and regulations are not compromised.
  - a. Victim employees shall advise the person(s) committing the harassment, if known, that the conduct is considered by them to be unwelcome or offensive.
  - b. Employees should then, when possible, attempt to work out a solution with the offending person(s).
2. The Chief, upon either an oral or written complaint of harassment, will document any reported incident and promptly forward the complaint to the Director of Human Resources. The Director of Human Resources will notify the Village Manager that a complaint has been made.
3. A prompt and thorough investigation of all allegations will be conducted and all persons will be treated respectfully. The investigation will be coordinated by the Director of Human Resources and follow the guidelines established in the Village Personnel Manual.
4. The identities of those involved, as well as the investigation and resolution shall be kept confidential to the fullest extent practicable.

B. Employee Protection and Referral Information

Under the Illinois Human Rights Act (775 ILCS 5/6), the Illinois Whistleblower Act (740 ILCS 174/5), and the State Employee Ethics Act (5 ILCS 430) it is a crime to retaliate, or to conspire to retaliate, against an employee because the employee has opposed an action that the employee reasonably believes to be unlawful discrimination or harassment or because the employee has participated in an investigation of harassment or discrimination. However, an employee who knowingly makes a false report of harassment will be subject to discipline including immediate termination for a first offense if deemed warranted to remedy the situation.

Retaliation towards an employee involved in an harassment complaint is illegal, and a civil rights violation as described in state statute 775 ILCS 5/6-101. Prohibitions against retaliation are described in the Village Personnel Manual and the Rules and Regulations of the Buffalo Grove Police Department.

The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every complaint and incident so that problems can be identified and remedied internally. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint. A complaint must be filed within 300 days of the alleged incident(s) unless it is a continuing offense. In addition, an appeal process is available through the Illinois Human Rights Commission (IHRC) after IDHR has completed its investigation of the complaint. Where the employing entity has an effective harassment policy in place and the complaining employee fails to take advantage of that policy and allow the employer an opportunity to address the problem, such an employee may, in certain cases, lose the right to further pursue the claim against the employer.

Administrative Contacts:

- Illinois Department of Human Rights (IDHR)  
Chicago: 312.814.6200 or 800.662.3942  
Springfield: 217.785.5100
- Illinois Human Rights Commission (IHRC)  
Chicago: 312.814.6269  
Springfield: 217.785.4350
- United States Equal Employment Opportunity Commission (EEOC)  
Chicago: 800.669.4000

The Department may take any of the listed disciplinary actions against a member found guilty of misconduct, up through and including dismissal, for violating the harassment prohibitions, as described in *General Order R-04* and the Rules and Regulations of the Buffalo Grove Police Department.

X. False and Frivolous Complaints

False and frivolous charges refer to cases where the accuser is using a harassment complaint or other report of policy violation to accomplish some end other than stopping harassment or alleged misconduct. It does not refer to charges made in good faith that cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense than can itself result in disciplinary action up to and including termination if deemed justified by the facts involved.

Steven R. Casstevens  
CHIEF OF POLICE