

# Board of Lucas County Commissioners



**TITLE:** Anti-Discrimination Policy

**POLICY NUMBER:** 53a

**RESOLUTION NUMBER:** 2023-1073

**SUPERSEDES POLICY:** 53

**EFFECTIVE DATE:** December 5, 2023

**PAGE:** 1 of 4

## I. SCOPE

This policy applies to all employees under the appointing authority and jurisdiction of the Board of Lucas County Commissioners subject, where applicable, to collective bargaining agreements.

## II. PURPOSE

This policy is intended to prevent unlawful discrimination based upon age (over 40), ancestry or national origin, race, color, marital status, physical or mental disability, pregnancy, sex, sexual orientation, gender, gender identification or expression, family medical history or genetic information, religion, political affiliation or belief, protected medical leave, veteran or uniform membership status, or any other considerations protected by federal, state, or local laws.

The Board of Lucas County Commissioners reserves the right at its sole discretion to modify, suspend or terminate this policy at any time with or without notice, subject to collective bargaining where applicable. This policy is not an employment contract, expressed or implied. No representative of the Board of Lucas County Commissioners, unless given express permission by the Board of Lucas County Commissioners, has the authority to enter into an agreement with an employee that is contrary to this policy. Any agreement made with the express permission of the Board of Lucas County Commissioners which is contrary to this policy must be in writing to be valid.

## III. POLICY

It is the policy of the Board of Lucas County Commissioners to maintain a workplace for all employees free from unlawful discrimination because of a protected class as stated within this policy.

The Board of Lucas County Commissioners will not tolerate adverse treatment of, or retaliation toward, employees because they report unlawful discrimination or provide information related to such complaints.

No employee shall initiate, engage in, or encourage others to take part in any activity that would violate this policy. All supervisory personnel shall be accountable to take steps to prevent incidents of unlawful discrimination and harassment from occurring within the workplace and to report any such incidents promptly to the Department of Human Resources as soon as practicable.

## IV. PROHIBITED ACTIVITIES

### Unlawful discrimination

*Unlawful discrimination* means to treat a person differently or less favorably because of a protected class as stated within this policy. It is an action, practice, or policy, however neutral in intent and impartial in administration, which has a disparate impact or results in disparate treatment.

Unlawful discrimination in the workplace can take many forms, including, but not limited to:

- Unfair treatment by the employer, supervisor, or co-worker towards an employee based upon the protected classes listed above

- Harassment by the employer, supervisor, or co-worker or others in the workplace towards an employee based upon the protected classes listed above
- Denial of a reasonable workplace accommodation needed because of religious beliefs or disability unless providing the workplace change causes undue hardship or presents a health or safety risk to others in the workplace
- Improper questions about or disclosure of genetic or medical information
- Retaliation because a person complained about job discrimination or assisted with a job discrimination proceeding

### **Retaliation**

*Retaliation* in any way against any employee who files a claim of unlawful discrimination, or who participates in the investigation of such a claim, whether internally or with an external agency, or who otherwise provides information in a proceeding, including in a court, administrative or legislative hearing, related to violations of unlawful discrimination or harassment laws is strictly prohibited.

Examples of the types of retaliation that are prohibited include, but is not limited to, intimidation, unlawful discrimination, verbal or physical abuse, adverse actions with respect to pay, work assignments and other terms of employment, termination of employment or threats of any such action.

It is a violation of this Policy to engage in conduct that falls within the above-stated definition of unlawful discrimination or retaliation. Such conduct will result in discipline or other remedial action as provided in the Disciplinary and Remedial Measures section below.

Any employee who believes she or he has been subject to unlawful discrimination or retaliation should immediately report such conduct in accordance with the complaint process procedure set forth herein.

## **V. MANAGEMENT RESPONSIBILITY**

It shall be the responsibility of each agency or departmental Supervisor and Director to maintain their work place free of unlawful discrimination or retaliation and to report any such incidents to the Department of Human Resources as soon as practicable. This duty includes discussing this policy with all employees and assuring them that they need not endure insulting, degrading, or exploitative treatment for any reason and informing employees of their right to file complaints about such conduct. Failure or neglect to perform this duty will result in disciplinary and remedial action as provided herein.

## **VI. REPORTING AND INVESTIGATION PROCEDURE**

While the Board of Lucas County Commissioners encourages individuals, who believe they are subject to unlawful discrimination, whether by a supervisor, co-worker, resident, client, or vendor, or who are a witness to unlawful discrimination, to firmly and promptly notify the offender that their behavior is unwelcome, the Board of Lucas County Commissioners also recognizes that such a confrontation may be uncomfortable or even impossible. If such informal, direct communication between individuals cannot be accomplished for any reason, or is ineffective or inappropriate given the circumstances or severity of the situation, the following steps should be taken to file an unlawful discrimination or retaliation complaint:

Individuals who believe they have been subject to unlawful discrimination or retaliation should immediately report the incident to the Department of Human Resources. Employees may

submit a confidential report through an anonymous reporting hotline by calling toll-free to (833) 782-8973 or using the online form on the [Department of Human Resources](#) website.

Reports may also be filed directly to the U.S. Equal Employment Opportunity Commission or the Ohio Civil Rights Commission.

**U.S. Equal Employment Opportunity Commission, Detroit Field Office**  
Patrick V. McNamara Building  
477 Michigan Avenue, Room 865  
Detroit, MI 48226  
(800) 669-4000  
[www.eeoc.gov](http://www.eeoc.gov)

**Ohio Civil Rights Commission**  
30 East Broad Street  
Columbus, OH 43215  
(888) 278-7101  
[www.crc.ohio.gov](http://www.crc.ohio.gov)

Complaints should be filed as soon as possible following the incident. Investigation of complaints will be conducted promptly with a thorough and impartial inquiry. If requested, individuals who file internal complaints will be notified about the status of their complaint, the results of the investigation, and any corrective or preventative action taken. It is important to provide as much detail regarding the alleged unlawful discrimination as possible (names, dates, times, etc.) for the complaint to be addressed efficiently and effectively.

## **VII. CONFIDENTIALITY**

Any allegation of unlawful discrimination or retaliation will be promptly investigated. Confidentiality will be maintained, although cannot be guaranteed, throughout the investigatory process to the extent practical and with appropriate information and subject to disclosure being shared with those on a need-to-know basis under federal, state, and local laws including but not limited to the Ohio Public Records Act.

Information regarding the complaint or investigation will be maintained in secure, confidential files within the Department of Human Resources in accordance with applicable federal, state, and local laws.

## **VII. FALSE INFORMATION**

No employee will be punished for reporting acts of unlawful discrimination or retaliation, participating in an unlawful discrimination or retaliation investigation, or actively opposing unlawful discrimination or retaliation. However, employees knowingly providing false statements or information will be subject to disciplinary measures and remedial action up to and including discharge as provided herein.

## **VIII. DISCIPLINARY ACTION AND REMEDIAL MEASURES**

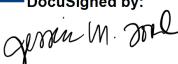
Violations of this policy, regardless of whether an actual law has been violated, will not be tolerated. Individuals found to have violated this policy shall be subject to discipline up to and including termination depending on the circumstances of the case.

The Board of Lucas County Commissioners shall take action that is practicable and available at law against a non-employee or elected official found to have engaged in behavior contrary to this policy.

For further information and guidance please refer to:

- [Americans with Disabilities Act Policy \(Policy #15a\)](#)

- [Equal Employment Opportunity Policy \(Policy #35b\)](#)
- [Code of Ethical Conduct Policy \(Policy #51\)](#)
- [Harassment Free Work Environment \(Policy #6b\)](#)
- [Non-Retaliation Policy \(Policy #55\)](#)

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Signature of County Administrator

1/5/2024

Date

Revision History: Policy #6 (Harassment Policy), Resolution 92-212, Passed February 13, 1992  
Policy #6a, Resolution 12-426, Passed May 1, 2012  
Policy #53, Resolution 2023-354, April 11, 2023