



Administrative Regulations

Office of the Mayor

Title: ANTI-RETALIATION POLICY

A.R. Number: 4.21 Effective Date: 10/1/2011 Page: 1 of 2

Supersedes: N/A A.R.: N/A DATED: N/A

I. POLICY

The City of Richmond is committed to prohibiting retaliation against those who report, oppose, or participate in the investigation of alleged wrongdoing in the workplace. The City of Richmond is committed to complying with all laws, and to providing a workplace conducive to open discussions of its policies and practices. The City encourages its employees to make good faith inquiries regarding conduct, they believe may be unethical and/or illegal, and to disclose work-related misconduct. Retaliation as a response to such inquiries or disclosures constitutes a serious violation of City policy and will not be tolerated.

II. PROCEDURES

A. Unacceptable Behaviors or Conduct

Retaliation may take many forms, prior complaints may include but not limited to:

1. Discrimination, harassment including sexual harassment and all other categories (race, national origin, age, gender, sex, pregnancy, disability, and religion, citizenship status, genetic information and veteran's status)
2. Health and safety issues
3. Workers compensation claims
4. Unemployment Hearings
5. Whistleblower status
6. Refusal of law, code of ethics or policy violations
7. Violations of the Fair Labor Standards Act.

No employee shall retaliate against another person in whole or in part because he or she has disclosed alleged wrongful conduct to a public body or to a supervisor or other city officials. Any employee who is found to be in violation of this policy shall be subject to disciplinary action up to and including termination.

B. Reporting Procedures

In addition to the avenues of redress available through the U.S. Equal Employment Opportunity Commission, effective relief may also be available within City government through the Department of Human Resources; or a classified City employee may participate in the City's grievance process.

When appropriate, informal means to resolve discrimination complaints will be taken. When a discrimination complaint cannot be resolved informally, a written report of the investigation and recommendations of further action is prepared and delivered to the agency director. Recommendations can include discipline for violators and the restoration of any employment terms, conditions or opportunities employees or applicants lost or were denied because of discrimination or harassment.

C. Investigations

Please refer to Administrative Regulation 4.23 – Investigation (Complaint) Policy for detailed procedures on filing a complaint and the respective investigation process.



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III. DEFINITION

Retaliation is defined as adverse action or conduct directed against an employee or other person(s) for engaging in a protected activity. Adverse employment action includes that which:

1. Is calculated to deter or punish an employee or other person from engaging in a protected activity or
2. Is in response to an employee or other persons who have engaged or is engaging in a protected activity.

Protected Activity – a good faith disclosure opposing an unlawful practice prohibited by employment discrimination laws; participating in an investigation, proceeding or Hearing of an Equal Employment Opportunity Charge.

IV. RESPONSIBILITY

The City and its agents have a duty to promptly investigate allegations of retaliation and, when appropriate, take corrective actions.

A. Deputy Chief Administrative Officers (DCAO's)/Appointing Authorities (AA)/Managers/Supervisors

1. DCAO's, AA's, managers or supervisors who fail to appropriately address violation(s) of City policy or who fail to take appropriate corrective action shall be in violation of City policy and subject to further disciplinary action up to and including termination.
2. AA's, supervisors and managers will ensure distribution of this official City policy to all City employees.

B. Department of Human Resources

1. The Department of Human Resources shall be responsible for updating and providing oversight to Agencies in the implementation of this policy.
2. The development and implementation of on-going training and education programs to ensure that all managers, supervisors, and employees clearly understand that retaliation is not tolerated in the workplace.

V. AUTHORITY

Title VII, Civil Rights Act, as amended
Age Discrimination Employment Act, as amended
Americans with Disabilities Act, as amended
Equal Pay Act
Fair Labor Standards Act
Immigration Reform and Control Act
Civil Rights Act of 1866
Genetic Information Nondiscrimination Act

VI. REGULATION UPDATE

The Office of the Chief Administrative Officer and the Department of Human Resources shall be responsible for modifications to this Regulation.

RECOMMEND APPROVAL:


CHIEF ADMINISTRATIVE OFFICER

APPROVED:


MAYOR