



# Equal Employment Opportunity (EEO) Office Policies and Procedures



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## **INTRODUCTION**

### **Purpose**

The purpose of this Personnel Policy and Procedures Manual (“Manual”), together with the position classification and pay plan, is to provide the fundamental features for an effective system of personnel administration for Augusta, Georgia. These personnel policies and procedures are not and do not form an express or implied contract between Augusta, Georgia and its employees.

The policies and procedures of Augusta, Georgia contained herein are subject to revocation or modification by the Augusta, Georgia Commission at any time and shall be superseded by any changes mandated by state or federal legislation. Any official action taken by the Commission will supersede the contents of this Manual. The intent of this Manual is to provide a source of information for the Department Directors, supervisors, and employees.

The Administrator is responsible for administering the policies and procedures of Augusta, Georgia

### **Employees Covered**

This Manual applied to all employees of Augusta, Georgia, and by adoption of Augusta, Georgia’s elected officers, and all boards, commissions, and authorities, unless specifically excluded by these policies and procedures of by other state law of Augusta, Georgia ordinance.

Department Directors are at-will employees. The Administrator shall have the right to recommend appointment and discharge of Department Directors to the Commission and the commission shall, at its sole discretion, approve or deny such recommendation. The Administrator, Clerk of Commission, Director of Equal Employment Opportunity and Minority and Small Business Opportunities, and General Counsel Shall be appointed and discharged directly by the Augusta, Georgia Commission.

Nothing in these personnel policies and procedures should be construed as allowing SES employees or employees of elected officials to attain a property interest in their positions.

Employees of the 911 system are excluded from the section concerning the appeals process, and instead, may appeal directly to the 911 Committee whose decisions shall be final.

However, excluding from all of part of this Manual does not exempt anyone from equal employment opportunity practices that may be required by state and federal laws.

### **Severability**

If any of the provisions of these policies and procedures or if any of the regulations or orders, or the application of such provisions to any person or circumstances shall be held inoperative, void or invalid, the remaining portion of these policies and procedures and the application of such provisions to persons or circumstances other than those as to which it is held inoperative, void, or invalid, shall not be affected thereby.

These provisions supersede all existing policies and practices of Augusta, Georgia.



## **CHAPTER II.**

### **EQUAL EMPLOYMENT OPPORTUNITY**

#### **Section 200.001 Equal Employment Opportunity**

Augusta, Georgia is an Equal Opportunity Employer. We value and respect the diversity of our employees, directors, consultants, representatives, suppliers, vendors, customers, and communities. As part of our culture of respect and appreciation we believe that people with varied backgrounds and perspectives add vitality and creativity to Augusta, Georgia and we encourage diversity in the workplace. To that end, we provide equal employment opportunities regardless of race, color, religion, national origin, sex, age, disability, military service or status, veteran status, citizenship status, or any other characteristic protected by federal, state, or local law. Augusta, Georgia is committed to providing equal opportunity in all our employment and purchasing practices. We will hire, evaluate, transfer, compensate, and promote employees based on skills and performance, and not on any unlawful consideration.

We respect the special needs of individual employees, including those who are pregnant or returning to work after the birth or adoption of a child. Only in valuing diversity and committing to equal opportunity practices will we be able to fully utilize the human and business resources available. At the same time, we believe that by valuing diversity, we enable all to fully realize their potential. All Augusta, Georgia employment decisions are to be based on business related, nondiscriminatory reasons.

Our commitment to equal employment opportunity includes a corporate intolerance of any form of discrimination, sexual harassment, or any other type of harassment. Such behavior undermines the very core of our creed and values. Additional processes have been issued for affirmative action, disability accommodations, harassment in the workplace, and workforce diversity. Performance consistent with the spirit and intent of these policies are expected of each employee and, in the case of management employees, such performance will be evaluated as in any other job-related duty.

For Augusta, Georgia to be successful, our employees must also be successful, as contributors to Augusta, Georgia's mission and objectives and as individuals and citizens. Therefore, in addition to providing a safe and healthy workplace, we are committed to the development of their unique skills and capabilities.

We believe that new experiences on the job and involvement in work teams or special projects are valuable development opportunities.

If you feel you are a victim of any form of discrimination, you have a right to voice your concerns. You can tell your immediate leader, any member of management or the Equal Employment Opportunity office at 706-826-4789. Retaliation against anyone who lodges a complaint in good faith is strictly prohibited and will be subject to discipline up to and including termination.

#### **Section 200.002 Discrimination and Harassment-Free Workplace**

Our value of treating others with respect and dignity carries over to our policy against workplace discrimination and harassment. We do not tolerate unlawful discrimination or harassment against an employee or potential employee based on any legally protected category. Instead, we actively seek to create a workplace that allows employees to feel respected and appreciated. Our efforts to achieve diversity and equal employment are driven by more than compliance with the law.

Discrimination and harassing behavior are destructive to our culture and against our core values. We have no tolerance whatsoever for unlawful discrimination or harassment based on race, color, religion, gender, age, national origin, disability, military service or status, veteran status, citizenship status, or any other characteristic protected by federal, state or local law.

Discrimination is any unfair or unfavorable treatment suffered by any employee because of the employee's inclusion in a protected category. The areas of employment which may be affected by discrimination include, but are not limited to, compensation, promotions, recruiting, job evaluations, job training, and hiring. Harassment is a form of discrimination. Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon any category protected by law. Harassing behaviors may include, but are not limited to, racist, sexist, ethnic, or other derogatory comments, name-calling, kidding, teasing, or jokes directed at one person or group belonging to a protected category.

Augusta, Georgia will not tolerate discriminatory or harassing conduct that affects pay or benefits, that interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. Augusta, Georgia will not tolerate discrimination or harassment of employees by anyone, including any supervisor, co-worker, vendor, client, customer, or visitor.

Any individual either experiencing or observing a suspected incident of discrimination or harassment should report the incident to their supervisor, to any Department Head, or to the EEO Officer. If the complaint involves the employee's supervisor, department director, or anyone else in a supervisory position over the employee, the employee should report the incident to the Human Resources Department or to the EEO Officer. Any manager who receives a report of discrimination or harassment must immediately report it to the EEO Officer, but in any event no later than three (3) working days after receipt of the complaint.

All complaints of discrimination and harassment will receive immediate attention. Augusta, Georgia's policy is to investigate all such complaints thoroughly, promptly, and in an impartial manner. If such an investigation reveals that the complaint is valid, Augusta, Georgia will administer disciplinary and other corrective action as appropriate to stop the discrimination or harassment and prevent its recurrence. Such disciplinary action shall include any corrective action deemed necessary, up to and including immediate termination of employment. Discipline will be based on the seriousness of the offense. To the fullest extent practicable, Augusta, Georgia will keep complaints, related investigations, and the terms of their resolution confidential. Retaliation against reporters of harassment or individuals who cooperate with a corresponding investigation is strictly prohibited and will result in discipline up to and including termination.

Respect and dignity for others is the key to providing a discrimination and harassment-free workplace. All Augusta, Georgia employees are responsible for helping to assure that we successfully avoid discrimination and harassment and their effects.

### **Section 200.003 Disability Accommodation**

Augusta, Georgia is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Hiring procedures and provide persons with disabilities meaningful employment opportunities. Pre-

Employment inquiries are made only regarding an applicant's ability to perform the essential duties of the position.

Post-offer medical examinations are required only for those positions in which there is a bona-fide job-related physical requirement. They are given to all persons entering the position only after conditional job offers. Medical records will be kept separate and confidential.

Reasonable accommodations are available to all qualified employees with a disability, where their disability affects the performance of essential job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as equal treatment in job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis.

Augusta, Georgia is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. Augusta, Georgia will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

This policy is neither exhaustive nor exclusive. Augusta, Georgia is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA, as amended, and all other applicable federal, state, and local laws.

## **Section 200.004 EEO Office Overview**

### **Purpose and Scope**

The purpose of this policy is to promote employment diversity and equality within the Augusta, Georgia Consolidated Government (“Augusta, Georgia”) through a dedicated Equal Employment Opportunity (EEO) Office. This policy is also intended to provide uniformity in the processing of EEO complaints. These policies and procedures exclusively apply to EEO-related issues in connection with direct employees (classified and non-classified) of Augusta, Georgia operating under the authority of the Mayor and the Augusta, Georgia Commission and the employees of those Elected Officials who have opted into the Augusta, Georgia Personnel Policy and Procedures Manual. In addition, these EEO policies and procedures are only intended to address employment discrimination concerns which relate to race, color, gender, pregnancy status, marital status, genetic information, national origin, age, religion, disability or veteran’s status.

### **EEO Office Statement**

Augusta, Georgia provides equal employment opportunity to all qualified employees and applicants for employment and does not discriminate on any basis prohibited by law, including without limitation: race, color, gender, pregnancy status, marital status, genetic information, national origin, age, religion, disability and veteran’s status. Augusta, Georgia is committed to providing equal employment in all of its employment practices, including selection, hiring, assignment, reassignment, promotion, transfer, compensation, discipline and termination. Therefore, it is the policy of Augusta, Georgia not to tolerate illegal discrimination. Providing equal employment opportunities is a system-wide effort and the responsibility of all employees, the EEO Office, Department Heads, Directors and the City Administrator.

## **EEO Office Philosophy and Motto**

Augusta, Georgia believes in achieving diversity by building bridges between employees and management. This belief is demonstrated by the EEO office motto of “Building Bridges for Diversity.” The EEO office promotes diversity by constructing and maintaining these bridges through the building blocks of Education, Collaboration and Mediation. Specifically, Augusta, Georgia believes that diversity can be achieved by educating the workforce about the importance of equal employment opportunity in all employment practices, collaborating with management and employees to develop policies and procedures that support diversity and mediating disputes in a fair and expedient manner.

## **Section 200.005 EEO Office Mission**

- Establishing and maintaining a diverse and representative workforce for Augusta, Georgia by removing barriers and maximizing both individual and collective potential.
- Ensuring Augusta, Georgia’s compliance with governing EEO statutes and regulations.
- Promoting equal employment opportunity in the Augusta, Georgia workforce by enforcing EEO guidelines and laws which prohibit employment discrimination.
- Promoting a positive organizational understanding and awareness of cultural diversity within the Augusta, Georgia workforce.

## **Implementing The Mission**

The EEO Office will implement its mission through:

- (A) Assisting employees and management in relation to EEO compliance; providing information and data to management.
- (B) Conducting diversity outreach and bridge-building to promote an appreciation of multiculturalism.
- (C) Providing EEO oversight and feedback during the hiring process.
- (D) Maintaining federally-mandated reporting of workplace EEO demographics.
- (E) Responding to federal EEOC Complaints and other EEO-related inquiries.
- (F) Working to promote accommodations and equal access for people with disabilities as required under the ADA.
- (G) Independently and directly reviewing Augusta, Georgia EEO data and testing results generated by vendors.
- (H) Advising departments to maintain internal EEO data directly related to their specific department, as needed.

- (I) Providing training, information and consultation for employees and supervisors in the areas of equal employment opportunity and workplace diversity.
- (J) Conducting multicultural recruitment initiatives to promote a diverse applicant pool of qualified candidates, as needed.

## **Section 200.006 EEO Office Oversight and Jurisdiction**

### **EEO Office Coverage**

The official organizational name of Equal Employment Opportunity, Equal Opportunity Office, EEO, or any similarly-phrased name shall be exclusively designated to this specific office.

The EEO Office will collaborate with employees, managers, and various departments to promote EEO compliance, systemic inclusion, and diversity.

The EEO Office may mediate in organizational matters which directly connect to EEO laws and the expansion of diversity. In addition, the EEO Office may become involved in matters relating to organizational diversity, respond to inquiries by the Augusta, Georgia Commission, and serve as a consultant to the Commission. In matters involving overall department-wide or organizational investigations, the EEO Office will make recommendations for changes to the Commission after consultation with the Administrator.

Augusta, Georgia employee EEO issues include:

1. Allegations of unlawful discrimination based on race, color, gender, pregnancy status, marital status, genetic information, national origin, age, religion, disability, and veteran's status;
2. Allegations of harassment, including sexual harassment, as defined under federal employment laws and EEOC Guidelines; and
3. Allegations of retaliation for asserting legally protected rights.

The Augusta, Georgia EEO Office Policy and Procedures do NOT apply to:

1. General personnel matters and personality conflicts that the employee states or concedes are not based on race, color, gender, pregnancy status, marital status, genetic information, national origin, age, disability, religion, veteran's status or EEO-related retaliation;
2. Issues or claims pending before any court;
3. Any adverse employment action that is not based on race, color, gender, pregnancy status, marital status, genetic information, national origin, disability, age, religion, veteran's status or EEO-related retaliation including but not limited to termination, demotion, denial of a job interview, denial of promotion, reassignment, department reorganizations, furlough, layoff from duties because of lack of work, or other action resulting from a reduction in the work force or job abolition;
4. Elected officials and their direct-report employees (unless such elected official submitted a

written, signed notice opting into the Augusta, Georgia Personnel Policy and Procedures Manual);

5. EEO issues alleged by organizations, business or companies outside of the Augusta, Georgia Consolidated Government;
6. EEO issues or concerns alleged by the employees of vendors or contractors of the Augusta, Georgia Consolidated Government.
7. Issues alleged by persons not employed with the Augusta, Georgia Consolidated Government.

### **Section 200.007 EEO Office Access to Information and Data Collection**

EEO-related demographic data collection and the retrieval of certain personnel/employee and departmental files are essential to the organization and the mandate of the Augusta, Georgia EEO Office to provide case investigations, Federal Government reporting data, agency profiles, and the analysis of departmental and organizational progress. The EEO Office may request data via e-mail or hardcopy correspondence. Data requests should be copied to the Administrator. In certain matters, the EEO Office should (at the discretion of the EEO Office) independently obtain all EEO-related data in relation to the organization directly from internal departments, vendors, and testing companies when such data contains EEO-related information in relation to Augusta, Georgia. Therefore, Departments, managers, employees and offices shall allow the EEO Office to obtain and maintain direct departmental and vendor access to all EEO-related information, statistics, and testing data including, without limitation, applicant pool and departmental demographic data. The EEO Office may require segments of information and/or past data. Requested information may not necessarily be related to certain minority groups or protected classes of individuals; the EEO Office is authorized to request and receive information pertaining to various groups including non-protected categories in order to facilitate investigations, inquiries and disparagement comparisons.

Requested information should be released as soon as it is generated by the department or agency, but no less than five working days after the request is issued by the EEO Office. Request for departmental data relating to more than two (three or more) employees should be copied to the Administrator. Departmental responses for data should contain the race and sex of each employee listed. Each department shall establish direct EEO-data access for the internal EEO Office by issuing initial release forms to vendors or creating direct access at the request of the EEO Office. Unless otherwise requested by the EEO Office in writing, all data should be sent to the EEO Office through confidentially-marked e-mail, confidentially-marked and sealed interagency mail, or confidentially-marked and sealed departmental hand-delivery. No fees or EEO generation requirements shall be assessed to the EEO Office for the collection of such data or the replication of requested information.

## **Section 200.008 Guidelines for Assessing Educational Credentials in EEO Matters**

In EEO-related cases where educational credentials are an issue, the Augusta, Georgia EEO Office has adopted guidelines from the U.S. Government and recognizes degrees from schools that have received accreditation from an accrediting body which has been approved by the U.S. Department of Education (USDE) [[www.ed.gov](http://www.ed.gov)], the Council for Higher Education, the American Council on Education (ACE) [[www.acenet.edu](http://www.acenet.edu)], or the Association of Specialized and Professional Accreditors (ASPA) [[www.aspa-usa.org](http://www.aspa-usa.org)]. All accrediting agencies—regional, national, and specialized—that are recognized by the USDE as reliable authorities regarding the quality of the programs and schools they accredit are listed on the USDE website at: [www.ed.gov/admins/finaid/accred/index.html](http://www.ed.gov/admins/finaid/accred/index.html). The central accrediting body for many of the degree-granting institutions of higher education in Georgia is the Southern Association of Colleges and Schools (SACS) [[www.sacs.org](http://www.sacs.org)].

## **Section 200.009 Filing an EEO Complaint**

Employees of Augusta, Georgia may consult with the EEO Office on an informal basis to receive information and consultation in relation to specific situations without filing a formal EEO complaint or grievance. In addition, employees may withdraw a formal EEO complaint and seek mediation or an informal resolution at any point in the process.

Formal complaints must be filed in writing and signed by the employee. Employees may request to have a formal complaint issued orally and transcribed into written format by the EEO Office. An oral complaint must be transcribed into written format, signed and then submitted by the complaining employee. The employee is responsible for ensuring that their oral complaint is completed, signed, and submitted to the EEO Office within ten days after filing the oral complaint. Once an employee files a written complaint, a letter is necessary to effectuate the withdrawal of an internal EEO complaint.

The EEO Office reserves the right to conduct an investigation of any and all complaints: formal/informal; written/oral; and pending/withdrawn. The EEO Office also reserves the right to conduct or continue an investigation even in situations where the complaint is withdrawn.

## **Section 200.010 Complaint Inquiries and Investigations**

All EEO office proceedings, inquiries, and investigations will be conducted under the direct management and direction of the EEO Office. The EEO Office may initiate individual investigations, conduct inquiries, or provide educational information, in employee concerns as deemed necessary by the EEO Office. In cases of a formal investigation, a written notification of an EEO complaint or concern will be sent to the charged employee, the employee's immediate supervisor, and the Department Director. The notification will occur within thirty working days after a representative of the EEO Office and the complainant have signed an EEO Complaint Form, but in any event, no later than the commencement of the formal investigation. In cases where no individual supervisor can be identified, case results will be directed to the Administrator.

Employees are encouraged to file an EEO complaint directly with the Augusta, Georgia EEO Office. If submitted indirectly through Human Resources or a supervisor, the individual receiving the EEO complaint should forward it to the EEO Office as soon as possible, but in any event, no later than three working days after receipt of the complaint.

## **Section 200.011 Complaint Process**

### **Stage One (Informal Resolution)**

Many EEO-related matters arise from misunderstandings and failed communication. The EEO Office encourages matters to be resolved at the lowest possible levels and at the earliest stage possible. When no written complaint has been submitted to the EEO Office or the Department, employees may collegially discuss the concerns directly with the individual or colleague involved in an attempt to clear up any possible miscommunications that may exist. Attempting to use informal methods of conflict resolution does not forfeit the employee's right to move forward at a later date (within one-hundred and eighty days of the last alleged act) with a formal written complaint if the matter is not resolved in an informal manner.

The EEO Office provides consultation to both employees and managers seeking approaches to resolve issues in an informal manner. Collaborative EEO resolutions at the lowest possible levels and the earliest time periods are strongly encouraged. The EEO Office promotes respectful communication as a viable option for settling disputes. Informal complainants may seek an informal resolution as follows:

1. When no formal written complaint has been filed with the EEO Office, employees may first discuss the concerns directly with the individual or colleague involved in an attempt to clear up any possible misunderstandings;
2. If the matter is not resolved or the employee would prefer not to discuss the situation with the individual involved, then the employee should take the next step and discuss their concerns with their immediate supervisor; and
3. If the concern remains unresolved or at any time the employee desires, the next step is to schedule an appointment to discuss the matter with the Department Head.

### **Stage Two (Informal Mediation)**

If efforts toward an informal resolution are unsuccessful at Stage One (Informal Resolution) or an employee seeks to skip informal resolution, then a complainant is encouraged to contact the EEO Office to request assistance with negotiating or mediating the dispute prior to filing a formal EEO complaint. Employees may seek assistance from management and/or the EEO Office in order to schedule a mediation meeting to discuss issues which relate to an informal EEO case. The EEO Office will assist in working to bring about an equitable resolution for both parties through the process of informal mediation.

### **Stage Three (Formal Written Complaints)**

If the informal resolution or mediation attempts between the parties do not result in a resolution of the matter within twenty working days or the employee seeks to skip informal resolution, the complaining party then has the option to request that the EEO Office conduct a formal investigation. The request for a formal internal EEO investigation should be dated and issued in writing as soon as the employee is aware of the conduct or knows that informal resolution is unsuccessful. The complainant is required to provide sufficient facts and data to substantiate discriminatory allegations. According to Augusta, Georgia Policy, the EEO Office will investigate complaint and attempt to conciliate the claim.

The charged party (one who is accused of a discriminatory act) will be allowed to review the written allegations and to provide a written response to the charges within seven days after the review. After

reviewing the allegations, responses, and evidence from both parties, the internal EEO Office will make a determination as to whether or not to proceed with further internal investigations.

Once a formal written complaint has been filed the matter has gone past the level of informal resolution. At this stage, employees should not attempt to resolve a formal EEO complaint on a one-on-one basis or confront an employee (either the complaining employee or the accused) in relation to an EEO case that is either open or closed.

In cases where the EEO Office moves forward with an internal EEO investigation, witnesses, co-workers, and management may be questioned. Both the accused and the complainant will have an opportunity to present their responses.

Augusta, Georgia employees formally being accused of an EEO violation in writing have a right to the following:

1. To not receive: an assumption of violation, disciplinary actions, unjustified job relocations, unjustified assignment changes, a demotion or a termination merely based on an initial EEO accusation and/or a written complaint that has not yet been investigated and had a case finding issued;
2. To see the actual written charges submitted in the complaint;
3. To have seven days from the date of receipt of the written charges, to submit a response to the EEO Office and have this data included as part of the case investigation; and
4. To receive the final case findings in writing and to have a date of final case closure.

EEO investigations are an internal-agency fact-finding process, not a formal hearing or a court trial. Therefore, no part of the EEO inquiry may be recorded (by the accused, charging party or third party witnesses) either by audio recording, transcription, or any other form. The EEO Office maintains the right to keep the official record of all inquiry data. All related parties shall receive a complete version of the final case finding. Usually, complete case findings are issued within thirty days of the filing of a formal written complaint.

### **Section 200.012 Employee Relocation In Connection With A Pending EEO Case**

If the matter under EEO investigation is not impacting the job duties of the work group at issue, managers should allow employees (both the complaining party and the accused) to remain situated in the same physical work location, job assignment and department during an EEO inquiry. At the request of either party or if it becomes apparent the parties cannot remain in the same work environment during the course of the EEO investigation, all reasonable efforts will be made to modify the work environment pending the EEO investigation, including, but not limited to, shift change, relocation, or position modification.

Affected employees should be returned to their previous work environment, job, and/or department within five days after a case is resolved, if appropriate. In cases where the employee will not be relocated back to their same work assignment or location, both the employee and the EEO Office should be notified in writing outlining the details of why the changes are being made. In such cases, the employee who initially made the EEO complaint has a right to file an appeal with the EEO Office if the employee feels that the changes are being made in retaliation to filing an EEO claim.

### **Section 200.013 Confidentiality**

This section is intended to protect the rights of individuals who file a written EEO charge with the EEO Office. Managers and all involved parties are expected to maintain the confidentiality of employees and other individuals directly involved in the EEO complaint process, to the extent possible. This includes confidentiality in relation to conversations, meetings, e-mails, written correspondence, final case-findings, and resolutions. Confidentiality does not mean that the accused will not be informed of the pending charges as the accused will be allowed to respond to allegations made by the complainant.

Confidentiality during an investigation will be kept as much as possible and to the extent that it does not impede the investigation or a directive from the Augusta, Georgia Commission. Management, Human Resources Management, Law Department, related individuals, and, in certain cases the Augusta, Georgia Commission, may be advised of an investigation, have access to case information, asked questions in relation to allegations, and receive updates and/or final outcomes.

### **Section 200.014 Honesty Code**

The complainant or charging party must sign a statement indicating that the allegations in the EEO complaint (either verbal or in writing) are honest, true, accurate, and not exaggerated. When issuing a statement or answering questions in connection with an EEO inquiry, an employee must, to the best of their knowledge and belief, be truthful in all of their oral and written responses. Individuals (including complainants, accused parties, employees, administrators, witnesses, managers, supervisors, information gatherers, persons submitting data and others) who fail to cooperate with the EEO Office, are found to have provided false information, file a frivolous claim, or alter written data in relation to an EEO inquiry or investigation will be subject to disciplinary action.

### **Section 200.015 Management and Employee Cooperation**

All managers and/or employees connected to Augusta, Georgia are required to: (1) fully cooperate in EEO investigations; (2) provide any information (written, e-mailed, or oral) connected to an EEO investigation; (3) make themselves available for questioning within five working days of a request for a meeting from the EEO Office (if this is not possible, an alternative date and time should be submitted in writing to the EEO Office); and 4) provide truthful and accurate statements to the EEO Office.

Supervisors should not presume any employee (either the accused or the complainant) to be guilty of anything or institute disciplinary actions merely based on a pending EEO charge or case.

Employees, managers, and Department Directors are encouraged follow the chain-of-command and procedures outlined in this policy in order to resolve any EEO-related concerns.

### **Section 200.016 Complaint Closure**

At the conclusion of the investigation, the EEO Office will send its findings to the charging party and the accused. The Department Director of the accused will be issued a letter of findings which may include recommendations from the EEO Office. Generally, the finding will be issued within thirty working days after filing a complaint. However, in some cases, the EEO Office may extend the investigation time period. If the period of investigation is extended, all parties will be provided with written notification of the new deadline to complete the investigation. During the investigation period, ongoing mediation and support services may be provided by the EEO Office. Following each investigation, the EEO Office may

elect to forward additional recommendations to the Department Director, the Administrator, and/or the Augusta, Georgia Commission for consideration. Recommendations to the Commission and/or the City Administrator will be made at the discretion of the EEO Office or at the direction of the Commission.

Upon approval by the Commission and/or City Administrator, individuals found by the EEO Office to be in violation of the equal employment opportunity policy shall be issued disciplinary action by the Department Director in an amount congruent with the severity of the violation.

The Department Head or the highest level supervisor over the employee is required to initiate disciplinary action within five working days of receiving a written finding and confirmation of an EEO violation and do a follow-up letter to advise the EEO Office of the final actions taken at the departmental level. In cases where systemic violations relating to a department are found, the Administrator, the Commission and the EEO Office shall collaborate to bring about corrective actions; this shall not eliminate actions against individuals within the department found to be in violation of the EEO policy. A written letter of resolution will be issued by the EEO Office and sent to the complainant and the charged individual. In certain cases where the EEO Office deems that the accused may have more likely than not violated the EEO policy or which may pose specialized concerns, the EEO Office may consult with legal counsel and/or seek a detailed legal case review in conjunction with the final internal EEO case finding.

#### **Section 200.017 Prohibition Against Retaliation**

Complainants, employees, management, participants, EEO Officials, and witnesses are protected against any form of organizational, administrative, or management retaliation due to, or in any part based on, participation in an EEO complaint, inquiry, mediation and/or investigation. A manager may not cause an adverse employment action or otherwise retaliate against an individual for filing a complaint of discrimination or participating in a discrimination proceeding.

If employees believe they are being subjected to retaliation, they should notify the EEO Office in writing as soon as possible of the alleged retaliatory act. The written notice should outline in detail the allegations and dates of the specific retaliatory acts that the person believes are being done. Department managers and any other employees and officials found to have committed verifiable acts of retaliation against an individual in connection with an EEO case will be subjected to discipline as outlined in the Employee Handbook.

While employees are protected from retaliation for filing EEO complaints, employees who knowingly file completely unsubstantiated or falsified EEO charges are subject to disciplinary action as outlined in the Employee Handbook.

#### **Section 200.018 Final Internal Case Closure and Appeal Rights**

The issuance of a final written case finding from the Augusta, Georgia EEO Office shall constitute the end of all Augusta, Georgia discrimination inquiries, investigations and appeals from or on behalf of both the complaining party and the accused.

In the event any employee files a Charge of Discrimination with the Federal Equal Employment Opportunity Commission (EEOC) or any other federal or state regulating agency, a copy of such charge shall be forwarded to the Law Department as soon as practical, but in any event, no later than three business days after receipt of such charge so that the Law Department may execute necessary legal obligations, including distributing litigation hold letters. Within five business days of receipt of the

Charge of Discrimination, the Law Department shall determine whether it shall conduct the investigation and respond, or the EEO Office shall investigate and respond. Any response to such charge shall be subject to Law Department review and approval prior to being submitted to the EEOC or other federal or state regulating agency.

**Section 200.019 Policy Updates, Jurisdiction and Other Matters**

This policy updates and clarifies EEO-related systems, policies, and procedures that were previously being conducted for Augusta, Georgia. It shall be added as a section of formal policy to all current editions of the Human Resources Employee Handbook and all HR and departmental policies and procedures (formal and informal/verbal and written). HR and other departments are expected to acknowledge and adhere to the EEO Policies and Procedures. HR does not have the jurisdiction to investigate EEO-related matters. As to all matters that are not EEO-related, HR Policies and Procedures and/or the applicable City Ordinance shall control. The EEO Policy shall override any internal departmental policies and procedures, except for elected officials' and independent boards' and authorities' standard operating procedures, in relation to EEO issues or complaints. This policy supersedes any prior policies or procedures in connection with the Augusta, Georgia EEO Office.

