



COMMISSION SUMMARY

AGENDA CATEGORY: Equal Employment Opportunities

ITEM NUMBER: 1

DATE: July 15, 2020

SUBJECT	Approval of Resolution No. 2021-2261 Equal Employment Opportunities Regulations
SUMMARY	The purpose of this agenda item is to request approval of Resolution No. 2021-2261 for the following Equal Employment Opportunities regulations presented at the June 17, 2020 Commission Meeting:
SPECIAL COMMENTS	Chapter 9.323 - Definitions Chapter 9.325 - EEO Harassment and Retaliation Internal Complaint Procedure Chapter 9.335 - Equal Employment Opportunity Policy Chapter 9.340 - Discrimination, Harassment, and Retaliation
CONTRACT NO./ REFERENCE NO.	
COSTS	
AMENDMENT/ CHANGE ORDER NO. AMOUNT	
MBE PARTICIPATION	
PRIOR STAFF/ COMMITTEE REVIEW	Carla A. Reid, General Manager/CEO ^{DS} <i>CR</i>
PRIOR STAFF/ COMMITTEE APPROVALS	Monica J. Johnson, Deputy General Manager, Strategy & Partnerships ^{DS} <i>MJ</i> Donald A. King, Equal Employment Opportunities Officer ^{DS} <i>DK</i> Sheila R. Finlayson, Esq., Corporate Secretary ^{DS} <i>SF</i>
RECOMMENDATION TO COMMISSION	Approve the resolution
COMMISSION ACTION	

RESOLUTION NO.: 2021-2261

Adopted: July [], 2020

Effective Date: August [], 2020

WASHINGTON SUBURBAN SANITARY COMMISSION

Subject: A RESOLUTION adopting Chapters 9.323, 9.325, 9.335, and 9.340 of the WSSC Code of Regulations 2020 (“Code”), Equal Employment Opportunity.

WHEREAS, the Washington Suburban Sanitary Commission (“Commission”) is authorized and empowered to adopt regulations pursuant to § 17-403 of the Public Utilities Article, Annotated Code of Maryland; and

WHEREAS, the Commission desires to adopt Chapters 9.335 and 9.340 of the Code to update the Equal Employment Opportunity and Discrimination, Harassment, and Retaliation policies to reaffirm the Commission’s commitment to abiding by all relevant laws, and incorporate changes made to the relevant law that have been enacted since these chapters were last updated in 2013; and

WHEREAS, the Commission desires to adopt Chapter 9.325 of the Code to update the EEO, Harassment, and Retaliation Internal Complaint Procedure to enforce the Commission’s policies, and incorporate changes made to the relevant law since this chapter was last updated in 2009; and

WHEREAS, the Commission further desires to adopt Chapter 9.323, Definitions, for the definitions applicable to Subtitle V, Equal Employment Opportunity.

NOW, THEREFORE, BE IT RESOLVED, this ____ day of July, 2020, that the Commission hereby adopts Chapters 9.323, 9.325, 9.335, and 9.340 of Title 9, Human Resources Management, Subtitle V, Equal Employment Opportunity, of the Code; and

BE IT FURTHER RESOLVED, that these revisions shall be effective on August ____, 2020; and

BE IT FURTHER RESOLVED, that notice of this Resolution and the actions taken hereunder shall be published in at least one (1) newspaper in each county of the Washington Suburban Sanitary District for thirty (30) days prior to the effective date.

A True Copy.

Sheila R. Finlayson, Esq.
Corporate Secretary

WSSC CODE OF REGULATIONS 2020

TITLE 9: HUMAN RESOURCES MANAGEMENT SUBTITLE V: EQUAL EMPLOYMENT OPPORTUNITY CHAPTER 9.323: DEFINITIONS

(A) IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “DISCRIMINATION” MEANS A POLICY, PRACTICE, OR PROCEDURE THAT LIMITS OR ADVERSELY AFFECTS A TERM, CONDITION, OR PRIVILEGE OF EMPLOYMENT INCLUDING HIRING, PROMOTION, TRANSFER OPPORTUNITIES, OR OTHER WORKING CONDITIONS, ON THE BASIS OF AN INDIVIDUAL’S PROTECTED CLASS OR ANY OTHER CHARACTERISTIC OR CONDUCT PROTECTED BY LAW.

(C) “EEO” MEANS EQUAL EMPLOYMENT OPPORTUNITY.

(D) “EEO OFFICER” MEANS THE WSSC EQUAL EMPLOYMENT OPPORTUNITY OFFICER.

(E)(1) “HARASSMENT” MEANS UNWELCOME OR UNSOLICITED CONDUCT OR COMMENTS THAT TARGET AN INDIVIDUAL BASED ON THAT INDIVIDUAL’S PROTECTED CLASS AND ARE SUFFICIENTLY SEVERE OR PERVASIVE THAT THEY INTERFERE WITH THE INDIVIDUAL’S ABILITY TO PERFORM WORK ASSIGNMENTS OR CREATE A HOSTILE OR INTIMIDATING WORKING ENVIRONMENT.

**(2) “HARASSMENT” INCLUDES:
(I) VERBAL HARASSMENT;
(II) VISUAL HARASSMENT;
(III) PHYSICAL HARASSMENT; AND
(IV) SEXUAL HARASSMENT.**

(F)(1) “PROTECTED CLASS” MEANS AN INDIVIDUAL’S CHARACTERISTICS THAT MAY NOT BE USED TO DISCRIMINATE OR HARASS THAT INDIVIDUAL.

(2) “PROTECTED CLASS” INCLUDES: RACE; NATIONAL ORIGIN; ETHNICITY; ANCESTRY; COLOR; RELIGION; SEX; AGE; MARITAL OR DOMESTIC PARTNERSHIP STATUS; SEXUAL ORIENTATION; GENDER IDENTITY; GENETIC INFORMATION; PREGNANCY; PARENTAL STATUS; MILITARY OR VETERAN’S STATUS; POLITICAL AFFILIATION; PHYSICAL OR

MENTAL DISABILITY; REFUSAL TO SUBMIT TO A GENETIC TEST; REFUSAL TO MAKE AVAILABLE THE RESULTS OF A GENETIC TEST; OR ANY OTHER CHARACTERISTIC OR CONDUCT PROTECTED BY LAW.

(G) “PROTECTED EEO ACTIVITY” INCLUDES:

(1) OPPOSING AN EMPLOYMENT PRACTICE REASONABLY BELIEVED TO BE UNLAWFUL BY EEO LAW, REGULATION, OR POLICY; AND

(2) PARTICIPATING IN THE EEO PROCESS BY:

(I) RAISING A CLAIM; OR

(II) TESTIFYING, ASSISTING, OR PARTICIPATING IN ANY MANNER IN AN INVESTIGATION, PROCEEDING, OR HEARING UNDER ANY EEO LAW, REGULATION, OR POLICY.

(H) “RETALIATION” MEANS AN ADVERSE ACTION TAKEN AGAINST AN EMPLOYEE BECAUSE OF THAT EMPLOYEE’S ENGAGEMENT IN PROTECTED EEO ACTIVITIES.

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**TITLE 9: HUMAN RESOURCES MANAGEMENT
SUBTITLE V: EQUAL EMPLOYMENT OPPORTUNITY
CHAPTER 9.325 EEO, HARASSMENT AND RETALIATION INTERNAL
COMPLAINT PROCEDURE**

9.325.010 DEFINITIONS.

(A) IN THIS CHAPTER, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COMPLAINANT” MEANS THE AGGRIEVED INDIVIDUAL WHO ALLEGES TO HAVE BEEN THE SUBJECT OF OR WITNESS TO DISCRIMINATION, HARASSMENT, OR RETALIATION.

(C) “DISABILITY” MEANS:

(1) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS THE CONDITION, MANNER, OR DURATION IN WHICH AN INDIVIDUAL CAN PERFORM ONE OR MORE MAJOR LIFE ACTIVITIES;

(2) A RECORD OF HAVING SUCH AN IMPAIRMENT AS DESCRIBED IN PARAGRAPH (1); OR

(3) BEING REGARDED AS HAVING SUCH AN IMPAIRMENT AS DESCRIBED IN PARAGRAPH (1).

9.325.020 PURPOSE:

THE PURPOSE OF THIS CHAPTER IS TO PROVIDE PROCEDURES FOR REPORTING AND PROCESSING COMPLAINTS ALLEGING VIOLATIONS OF WSSC CHAPTER 9.335, EQUAL EMPLOYMENT OPPORTUNITY POLICY, AND WSSC CHAPTER 9.340, DISCRIMINATION, HARASSMENT, AND RETALIATION POLICY.

9.325.030 SCOPE.

THIS CHAPTER APPLIES TO:

(A) COMPLAINTS ALLEGING VIOLATIONS OF WSSC CHAPTER 9.335, EQUAL EMPLOYMENT OPPORTUNITY POLICY AND WSSC CHAPTER 9.340, DISCRIMINATION, HARASSMENT, AND RETALIATION POLICY;

(B) ALL INDIVIDUALS CURRENTLY EMPLOYED BY WSSC OR THOSE SEEKING EMPLOYMENT WITH WSSC; AND

(C) ALL TERMS, CONDITIONS, OR PRIVILEGES OF EMPLOYMENT AND EMPLOYMENT PRACTICES INCLUDING:

- (1) RECRUITMENT;**
- (2) HIRING;**
- (3) PROMOTION;**
- (4) DEMOTION;**
- (5) TRANSFER;**
- (6) REDUCTION-IN-FORCE;**
- (7) RELEASE;**
- (8) COMPENSATION;**
- (9) CLASSIFICATION;**
- (10) BENEFITS; AND**
- (11) TRAINING.**

9.325.040 PROCESS.

(A) COMPLAINT PROCESS.

(1)(I) AN INDIVIDUAL WHO HAS WITNESSED A VIOLATION OF THESE POLICIES SHALL FILE A COMPLAINT.

(II) AN INDIVIDUAL MAY FILE THE COMPLAINT ANONYMOUSLY.

(2)(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS SUBSECTION, AN INDIVIDUAL ALLEGING, DISCRIMINATION, HARASSMENT, FAILURE TO ACCOMMODATE OR RETALIATION SHALL FILE A COMPLAINT WITH THE EEO OFFICER.

(II) AN INDIVIDUAL ALLEGING DISCRIMINATION, HARASSMENT, FAILURE TO ACCOMMODATE OR RETALIATION BY THE EEO OFFICER SHALL FILE A COMPLAINT WITH THE GENERAL MANAGER/CEO'S OFFICE.

(3) A COMPLAINT THAT DOES NOT ALLEGE DISCRIMINATION, HARASSMENT, FAILURE TO ACCOMMODATE OR RETALIATION MAY BE REFERRED TO THE HUMAN RESOURCES OFFICE, THE OFFICE OF THE INSPECTOR GENERAL, OR OTHER APPROPRIATE OFFICE FOR RESOLUTION.

(4)(I) A COMPLAINANT MAY FILE THE COMPLAINT VERBALLY OR IN WRITING.

(II) IF A COMPLAINANT FILES A COMPLAINT VERBALLY, THE EEO OFFICER MAY REQUIRE THE COMPLAINANT TO REDUCE THE COMPLAINT TO WRITING.

(III) THE EEO OFFICER MAY REQUIRE A COMPLAINANT TO COMPLETE THE INTERNAL EEO COMPLAINT FORM.

(5) THE COMPLAINANT SHALL FILE AN EEO COMPLAINT AS SOON AS POSSIBLE, BUT NO LATER THAN 180 CALENDAR DAYS AFTER THE ALLEGED ACT OR ACTS THAT GAVE RISE TO THE COMPLAINT.

(B) CONFIDENTIALITY.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, INFORMATION RELATED TO A COMPLAINT AND INVESTIGATION SHALL BE CONFIDENTIAL.

(2) LIMITED INFORMATION RELATED TO A COMPLAINT MAY BE SHARED WITH INDIVIDUALS DIRECTLY INVOLVED IN THE COMPLAINT, INVESTIGATION, OR RESOLUTION OF THE COMPLAINT.

(C) MANAGEMENT ACTION UPON RECEIVING A COMPLAINT.

(1) ANY SUPERVISOR OR MANAGER WHO IS THE RECIPIENT OF AN EEO COMPLAINT SHALL DOCUMENT RECEIPT OF THE COMPLAINT AND ANY RELEVANT INFORMATION WHICH MAY INCLUDE:

(I) THE DATE AND SUBSTANCE OF THE COMPLAINT;

(II) NAMES OF THE PARTIES TO THE COMPLAINT;

(III) NAMES OF ANY OTHER INDIVIDUALS INVOLVED;

(IV) THE REQUESTED REMEDY.

(2)(I) THE SUPERVISOR OR MANAGER WHO IS THE RECIPIENT OF AN EEO COMPLAINT SHALL PROVIDE WRITTEN NOTICE TO THE EEO OFFICER OF THE COMPLAINT AS SOON AS POSSIBLE BUT NO LATER THAN 72 HOURS AFTER RECEIPT.

(II) A SUPERVISOR OR MANAGER WHO IS IN RECEIPT OF AN EEO COMPLAINT BUT DOES NOT PROVIDE WRITTEN NOTICE TO THE EEO OFFICER MAY BE SUBJECT TO DISCIPLINE.

(3)(I) IN CASES WHERE THE EEO COMPLAINT IS AGAINST OR INVOLVES THE EEO OFFICER, THE COMPLAINT SHALL BE FORWARDED BY THE SUPERVISOR OR MANAGER TO THE GENERAL MANAGER/CEO FOR INTAKE, INVESTIGATION, AND RESOLUTION.

(II) THE GENERAL MANAGER/CEO SHALL CONSULT WITH THE GENERAL COUNSEL'S OFFICE ON THE INTAKE, INVESTIGATION, AND RESOLUTION OF A COMPLAINT INVOLVING THE EEO OFFICER.

(D) EEO OFFICER'S ACTIONS ON RECEIVING A COMPLAINT.

(1) THE EEO OFFICER MAY ATTEMPT TO RESOLVE THE COMPLAINT WITHIN SEVEN BUSINESS DAYS THROUGH DISCUSSION OR MEDIATION WITH THE SUPERVISOR, THE COMPLAINANT, AND THE ALLEGED OFFENDER.

(2) IF THE COMPLAINT IS NOT RESOLVED THROUGH DISCUSSION OR MEDIATION WITHIN SEVEN BUSINESS DAYS OF THE COMPLAINT, THE COMPLAINANT SHALL COMPLETE AN INTERNAL COMPLAINT INTAKE FORM IF NOT ALREADY COMPLETED.

(3)(I) THE EEO OFFICER SHALL CONDUCT AN INVESTIGATION.

(II) AN INVESTIGATION MAY BE TERMINATED BY THE GENERAL COUNSEL IF THE COMPLAINANT HAS ALSO FILED A COMPLAINT WITH A FEDERAL OR STATE ENFORCEMENT AGENCY OR HAS FILED A CIVIL ACTION IN COURT ALLEGING THE SAME OR RELATED VIOLATIONS.

(III) THE EEO OFFICER SHALL COMPLETELY INVESTIGATE THE COMPLAINT AND MAY:

1. INTERVIEW THE COMPLAINANT, ACCUSED EMPLOYEES, OR OTHER RELEVANT WITNESSES;

2. REVIEW RELEVANT DOCUMENTS AND PROCEDURES;

AND

3. UTILIZE WITNESS STATEMENTS OR DOCUMENTS FROM A PRIOR INVESTIGATION TO SUPPLEMENT OR EXPEDITE AN INVESTIGATION WHEN THE SAME PERSONS OR ALLEGATIONS ARE INVOLVED SO LONG AS DOING SO WILL NOT COMPROMISE THE COMPLETENESS OF THE CURRENT INVESTIGATION.

(IV) EMPLOYEES SHALL COOPERATE WITH REQUESTS MADE BY THE EEO OFFICER IN THE COURSE OF THE INVESTIGATION.

(V) THE EEO OFFICER SHALL MAKE REASONABLE EFFORTS TO COMPLETE THE INVESTIGATION WITHIN 45 CALENDAR DAYS.

(4) AFTER THE INVESTIGATION IS COMPLETE, THE EEO OFFICER SHALL MAKE WRITTEN FINDINGS OF FACT AND CONCLUSIONS AS TO WHETHER WSSC POLICIES WERE VIOLATED.

(5) THE EEO OFFICER'S FINDINGS ARE CONFIDENTIAL.

(6) THE EEO OFFICER SHALL GIVE THE COMPLAINANT A NOTICE OF CONCLUSION.

(7) THE EEO OFFICER MAY RECOMMEND MEDIATION AT ANY TIME DURING THE INVESTIGATION.

(E) APPEALS.

(1) A COMPLAINANT WHO DISAGREES WITH THE FINDINGS OR CONCLUSIONS CONTAINED IN THE NOTICE OF CONCLUSION MAY FILE AN APPEAL BEFORE THE EEO APPEALS BOARD.

(2)(I) EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SECTION, IF THE EEO INVESTIGATION RESULTS IN AN ORAL OR WRITTEN WARNING OR THE ACCUSED EMPLOYEE IS SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT, THE ACCUSED EMPLOYEE MAY FILE AN APPEAL BEFORE THE EEO APPEALS BOARD.

(II) EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SECTION, IF THE EEO INVESTIGATION RESULTS IN SUSPENSION OR RELEASE, THE ACCUSED EMPLOYEE MAY FILE AN APPEAL ACCORDING TO WSSC CHAPTER 9.120 PROCEDURES FOR APPEALING DISCIPLINARY ACTION.

(3) AN APPEAL SHALL:

(I) BE SUBMITTED IN WRITING TO THE EEO OFFICER WITHIN FIVE BUSINESS DAYS OF THE DATE OF NOTIFICATION OF THE NOTICE OF CONCLUSIONS; AND

(II) IDENTIFY PROBATIVE EVIDENCE THAT WAS OVERLOOKED, OMITTED, OR WAS OTHERWISE UNAVAILABLE AT THE TIME OF THE INVESTIGATION; OR

(III) ALLEGE THE INVESTIGATIVE REPORT CONTAINS MATERIAL MISTAKES OF FACTS.

(4)(I) THE EEO APPEALS BOARD SHALL BE SELECTED BY THE GENERAL MANAGER/CEO AND SHALL INCLUDE A DEPUTY GENERAL MANAGER, THE HUMAN RESOURCES DIRECTOR, AND A DEPARTMENT HEAD.

(II) MEMBERS OF THE APPEALS BOARD MAY NOT BE IN THE COMPLAINANT'S CHAIN OF COMMAND.

(III) IF ANY MEMBER OF THE EEO APPEALS BOARD IS INVOLVED IN THE FACTS UNDERLYING THE COMPLAINT, OR IS OTHERWISE UNAVAILABLE, THE GENERAL MANAGER/CEO SHALL DESIGNATE A SUBSTITUTE.

(5)(I) THE EEO APPEALS BOARD SHALL HOLD AN INFORMAL HEARING PRIOR TO MAKING A DECISION ON THE APPEAL.

(II) THE APPEALING PARTY SHALL BE NOTIFIED IN WRITING OF THE DATE, TIME AND PLACE OF THE HEARING.

(III) THE EEO APPEALS BOARD SHALL ISSUE A WRITTEN DECISION ON THE APPEAL WITHIN 30 CALENDAR DAYS AFTER THE CONCLUSION OF THE HEARING.

(IV) THE APPEALS BOARD MAY:

1. REMAND THE APPEAL FOR FURTHER CONSIDERATION;

OR

2. UPHOLD THE NOTICE OF CONCLUSION.

(V) IF THE APPEALS BOARD UPHOLDS THE NOTICE OF CONCLUSION, THE APPEALS BOARD DECISION IS THE FINAL WSSC DECISION.

(6)(I) IN THIS PARAGRAPH, "DIRECT REPORTS" MEANS DIRECT COMMISSION REPORTS, DIRECT GENERAL MANAGER/CEO REPORTS AND DIRECT DEPUTY GENERAL MANAGER REPORTS.

(II) DIRECT REPORTS MAY FILE AN APPEAL.

(III) THE APPEAL SHALL BE HEARD BY A HEARING OFFICER SELECTED BY THE GENERAL COUNSEL IN CONSULTATION WITH THE EEO OFFICER.

(IV) 1. THE HEARING OFFICER SHALL HOLD AN INFORMAL HEARING PRIOR TO DECIDING THE APPEAL.

2. THE APPEALING PARTY SHALL BE NOTIFIED IN WRITING OF THE DATE, TIME AND PLACE OF THE HEARING.

(V) WITHIN 30 CALENDAR DAYS AFTER THE HEARING, BY WRITTEN DECISION THE HEARING OFFICER MAY:

1. REMAND THE APPEAL FOR FURTHER CONSIDERATION;

OR

2. UPHOLD THE NOTICE OF CONCLUSION.

(VI) IF THE HEARING OFFICER UPHOLDS THE NOTICE OF CONCLUSION, THE HEARING OFFICER'S DECISION IS THE FINAL WSSC DECISION.

9.325.050 RETALIATION.

(A) AN OFFICER, EMPLOYEE, OR AGENT OF WSSC MAY NOT INTIMIDATE, THREATEN, COERCE, OR OTHERWISE DISCRIMINATE AGAINST AN INDIVIDUAL BECAUSE THAT INDIVIDUAL ENGAGED IN PROTECTED EEO ACTIVITY.

(B) AN OFFICER, EMPLOYEE, OR AGENT OF WSSC SHALL NOT ATTEMPT TO DISSUADE OTHERS FROM ENGAGING IN PROTECTED EEO ACTIVITY.

9.325.060 PENALTIES.

(A) INCIDENTS OF DISCRIMINATION, HARASSMENT, OR RETALIATION SHALL BE CONSIDERED CAUSE FOR APPROPRIATE DISCIPLINARY ACTION INCLUDING RELEASE FROM EMPLOYMENT.

(B) COMPLAINTS OF DISCRIMINATION, HARASSMENT, OR RETALIATION NOT MADE IN GOOD FAITH SHALL BE CONSIDERED CAUSE FOR APPROPRIATE DISCIPLINARY ACTION INCLUDING RELEASE FROM EMPLOYMENT.

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TITLE 9: HUMAN RESOURCES MANAGEMENT

SUBTITLE V: EQUAL EMPLOYMENT OPPORTUNITY

Chapter 9.335: EQUAL EMPLOYMENT OPPORTUNITY POLICY

9.335.010 PURPOSE.

THE PURPOSE OF THIS CHAPTER IS TO ESTABLISH WSSC'S EQUAL EMPLOYMENT OPPORTUNITY PRINCIPLES AND GOALS.

9.335.020 POLICY.

(A) WSSC IS AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER.

(B) WSSC SHALL:

(1) ENFORCE FEDERAL, STATE, AND LOCAL LAWS THAT PROHIBIT EMPLOYMENT DISCRIMINATION IN THE WORKPLACE; AND

(2) CONDUCT ALL EMPLOYMENT ACTIVITIES IN A MANNER THAT ENSURES EQUAL EMPLOYMENT OPPORTUNITY FOR ALL PERSONS CONSISTENT WITH APPLICABLE FEDERAL, STATE AND LOCAL LAWS.

(C) WSSC SHALL COMMUNICATE THIS POLICY TO ALL WSSC EMPLOYEES AT THE ONSET OF THEIR EMPLOYMENT AND AT OTHER APPROPRIATE TIMES.

9.335.030 SCOPE.

(A) THIS CHAPTER APPLIES TO ALL WSSC EMPLOYEES, APPLICANTS FOR EMPLOYMENT, AND INDIVIDUALS CONDUCTING BUSINESS WITH WSSC.

(B) THIS CHAPTER APPLIES TO ALL EMPLOYMENT PRACTICES INCLUDING RECRUITMENT, HIRING, PROMOTION, DEMOTION, TRANSFER, REDUCTION-IN-FORCE, RELEASE, COMPENSATION, CLASSIFICATION, BENEFITS, TRAINING, OR OTHER WORKING CONDITIONS.

9.335.040 RESPONSIBILITIES.

THE EQUAL EMPLOYMENT OPPORTUNITY OFFICER SHALL BE RESPONSIBLE FOR ASSISTING MANAGEMENT IN THE APPLICATION OF WSSC'S EQUAL EMPLOYMENT OPPORTUNITY POLICY.

9.335.050 COMPLAINTS.

AN INDIVIDUAL WISHING TO FILE AN EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT MAY DO SO IN ACCORDANCE WITH WSSC CHAPTER 9.325, EEO, HARASSMENT, AND RETALIATION INTERNAL COMPLAINT PROCEDURE.

9.335.060 AFFIRMATIVE ACTION PLAN.

WHEN WSSC DOES BUSINESS WITH THE FEDERAL GOVERNMENT, IT WILL IMPLEMENT AN AFFIRMATIVE ACTION PLAN AS REQUIRED BY 41 CFR 60-2.10.

9.335.070 DISCIPLINE

VIOLATIONS OF WSSC'S EQUAL EMPLOYMENT OPPORTUNITY POLICY SHALL BE CONSIDERED CAUSE FOR APPROPRIATE DISCIPLINARY ACTION INCLUDING RELEASE FROM EMPLOYMENT.

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**TITLE 9: HUMAN RESOURCES MANAGEMENT
SUBTITLE V: EQUAL EMPLOYMENT OPPORTUNITY
CHAPTER 9.340: DISCRIMINATION, HARASSMENT, AND RETALIATION**

9.340.010 DEFINITIONS.

(A) IN THIS CHAPTER, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “DISABILITY” MEANS:

(1) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS THE CONDITION, MANNER, OR DURATION IN WHICH AN INDIVIDUAL CAN PERFORM ONE OR MORE MAJOR LIFE ACTIVITIES;

(2) A RECORD OF HAVING SUCH AN IMPAIRMENT AS DESCRIBED IN PARAGRAPH (1); OR

(3) BEING REGARDED AS HAVING SUCH AN IMPAIRMENT AS DESCRIBED IN PARAGRAPH (1).

9.340.020 PURPOSE.

THE PURPOSE OF THIS CHAPTER IS TO STATE WSSC’S POLICY OF PROHIBITING HARASSMENT, EMPLOYMENT DISCRIMINATION, AND RETALIATION.

9.340.030 HARASSMENT.

THE FOLLOWING ARE EXAMPLES OF HARASSMENT FOR THE PURPOSE OF INTERPRETING THIS CHAPTER:

(1) UNWELCOME SEXUAL FLIRTATIONS, ADVANCES, OR PROPOSITIONS.

(2) DEROGATORY OR VULGAR COMMENTS, JOKES, SLURS, GRAFFITI, PICTURES OR CARTOONS REGARDING AN INDIVIDUAL’S PROTECTED CLASS OR PROTECTED EEO ACTIVITY.

(3) COMMENTS OR THREATS RELATED TO A PERSON’S PROTECTED CLASS OR PROTECTED EEO ACTIVITY.

(4) INTIMIDATION BASED ON A PERSON’S PROTECTED CLASS OR PROTECTED EEO ACTIVITY.

(5) ASKING PERSONAL QUESTIONS ABOUT ANOTHER EMPLOYEE’S SEX LIFE.

(6) LANGUAGE OR BEHAVIOR, THAT MAY OTHERWISE APPEAR BENIGN WHEN SUCH ACTIONS ARE BASED ON A PERSON’S PROTECTED CLASS OR PROTECTED EEO ACTIVITY.

(7) PHYSICAL CONDUCT SUCH AS HITTING, PUSHING, GROPING, OR OTHER TOUCHING.

(8) ISOLATION OR EXCLUSION.

9.340.040 SCOPE.

(A) THIS CHAPTER APPLIES TO:

(1) ALL INDIVIDUALS, INCLUDING INDEPENDENT CONTRACTORS, CURRENT OR FORMER EMPLOYEES OR THOSE SEEKING EMPLOYMENT WITH WSSC; AND

(2) ALL TERMS, CONDITIONS, OR PRIVILEGES OF EMPLOYMENT AND EMPLOYMENT PRACTICES INCLUDING:

(I) RECRUITMENT;

(II) HIRING;

(III) PROMOTION;

(IV) DEMOTION;

(V) TRANSFER;

(VI) REDUCTION-IN-FORCE;

(VII) RELEASE;

(VIII) COMPENSATION;

(IX) CLASSIFICATION;

(X) BENEFITS; AND

(XI) TRAINING.

(B) THIS CHAPTER DOES NOT APPLY TO CLAIMS OTHER THAN DISCRIMINATION, HARASSMENT, OR RETALIATION.

9.340.050 POLICY.

(A) WSSC PROHIBITS:

(1) DISCRIMINATION, HARASSMENT, AND RETALIATION BASED ON AN INDIVIDUAL'S PROTECTED CLASS;

(2) DISCRIMINATION, HARASSMENT, AND RETALIATION IN THE WORKPLACE AND IN ANY SITUATION THAT IS WORK RELATED; AND

(3) HARASSMENT OR DISCRIMINATION OF WSSC EMPLOYEES BY CUSTOMERS, VISITORS, CONTRACTORS, VENDORS, OR OTHER PERSONS WHO CONDUCT BUSINESS WITH WSSC.

(B)(1) WSSC SHALL PROMPTLY AND THOROUGHLY INVESTIGATE ANY COMPLAINT OF DISCRIMINATION, HARASSMENT, OR RETALIATION AND SHALL TAKE CORRECTIVE ACTION AS APPROPRIATE.

(2) EMPLOYEES SHALL FOLLOW THE REPORTING PROCEDURES OUTLINED IN WSSC CHAPTER 9.325, EEO, HARASSMENT AND RETALIATION INTERNAL COMPLAINT PROCEDURE.

(3) INCIDENTS OF DISCRIMINATION, HARASSMENT, OR RETALIATION SHALL BE CONSIDERED CAUSE FOR APPROPRIATE DISCIPLINARY ACTION INCLUDING RELEASE FROM EMPLOYMENT.

9.340.060 RESPONSIBILITIES.

(A) MANAGERS AND SUPERVISORS SHALL FOSTER A WORK ENVIRONMENT FREE FROM ACTS OF DISCRIMINATION, HARASSMENT, OR RETALIATION AND PROVIDE REASONABLE ACCOMMODATIONS TO A QUALIFIED INDIVIDUAL WITH DISABILITIES AND EMPLOYEES WITH DEEPLY HELD RELIGIOUS BELIEFS.

(B) WSSC EMPLOYEES SHALL BE RESPONSIBLE FOR REFRAINING FROM CONDUCT THAT CONSTITUTES DISCRIMINATION, HARASSMENT, OR RETALIATION.

(C) THE EEO OFFICE SHALL:

(1) BE RESPONSIBLE FOR ASSISTING MANAGERS AND EMPLOYEES IN THE APPLICATION OF THIS REGULATION; AND

(2) BE AVAILABLE TO ANSWER QUESTIONS CONCERNING THIS REGULATION.

Key: Strike-through Sections are from the current Standard Procedure.

BOLD CAPS are the proposed Regulation.

WSSC CODE OF REGULATIONS 2020

TITLE 9: HUMAN RESOURCES MANAGEMENT SUBTITLE V: EQUAL EMPLOYMENT OPPORTUNITY CHAPTER 9.325 EEO, HARASSMENT AND RETALIATION INTERNAL COMPLAINT PROCEDURE

Definitions: The definitions section is new.
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9.325.010 DEFINITIONS.

(A) IN THIS CHAPTER, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COMPLAINANT” MEANS THE AGGRIEVED INDIVIDUAL WHO ALLEGES TO HAVE BEEN THE SUBJECT OF OR WITNESS TO DISCRIMINATION, HARASSMENT, OR RETALIATION.

(C) “DISABILITY” MEANS:

(1) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS THE CONDITION, MANNER, OR DURATION IN WHICH AN INDIVIDUAL CAN PERFORM ONE OR MORE MAJOR LIFE ACTIVITIES;

(2) A RECORD OF HAVING SUCH AN IMPAIRMENT AS DESCRIBED IN PARAGRAPH (1); OR

(3) BEING REGARDED AS HAVING SUCH AN IMPAIRMENT AS DESCRIBED IN PARAGRAPH (1).

Purpose: The purpose section remains the same.
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~~9.325.010 — Purpose.~~

~~To establish procedures for reporting and processing complaints alleging violations of WSSC Chapter [9.335](#), Equal Employment Opportunity Policy, and WSSC Chapter [9.340](#), Harassment, Employment Discrimination and Retaliation Policy.~~

9.325.020 PURPOSE:

THE PURPOSE OF THIS CHAPTER IS TO PROVIDE PROCEDURES FOR REPORTING AND PROCESSING COMPLAINTS ALLEGING VIOLATIONS OF WSSC CHAPTER 9.335, EQUAL EMPLOYMENT OPPORTUNITY POLICY, AND WSSC CHAPTER 9.340, DISCRIMINATION, HARASSMENT, AND RETALIATION POLICY.

Key: Strike-through Sections are from the current Standard Procedure.

BOLD CAPS are the proposed Regulation.

Scope: The scope section has been renamed from applicability and has been streamlined and simplified to conform with the Maryland Style. References to how the investigation may be terminated were moved to the Process section.

~~9.325.030 — Applicability.~~

~~This chapter applies to (a) all individuals currently employed by WSSC or seeking employment with WSSC, and (b) all working conditions and employment practices including recruitment, hiring, promotion, demotion, transfer, reduction in force, termination, compensation, classification, benefits and training.~~

~~Any complaint alleging a violation of WSSC Chapter [9.335](#), Equal Employment Opportunity Policy, or WSSC Chapter [9.340](#), Harassment, Employment Discrimination and Retaliation Policy, will be handled in accordance with the procedures set forth herein. Any investigation taken pursuant to this chapter may be terminated by the General Counsel if the complaining party has also filed a complaint with a federal or state enforcement agency or has filed suit in court alleging the same or related violations.~~

~~A complaint that does not allege a violation of WSSC Chapter [9.335](#), Equal Employment Opportunity Policy, or WSSC Chapter [9.340](#), Harassment, Employment Discrimination and Retaliation Policy, will be referred to the Employee Liaison, the Human Resources Office, or any other person with the authority, i.e., Team Chief, Director, Group Leader, or Unit Coordinator, to resolve the matter.~~

9.325.030 SCOPE.

THIS CHAPTER APPLIES TO:

(A) COMPLAINTS ALLEGING VIOLATIONS OF WSSC CHAPTER 9.335, EQUAL EMPLOYMENT OPPORTUNITY POLICY AND WSSC CHAPTER 9.340, DISCRIMINATION, HARASSMENT, AND RETALIATION POLICY;

(B) ALL INDIVIDUALS CURRENTLY EMPLOYED BY WSSC OR THOSE SEEKING EMPLOYMENT WITH WSSC; AND

(C) ALL TERMS, CONDITIONS, OR PRIVILEGES OF EMPLOYMENT AND EMPLOYMENT PRACTICES INCLUDING:

- (1) RECRUITMENT;**
- (2) HIRING;**
- (3) PROMOTION;**
- (4) DEMOTION;**
- (5) TRANSFER;**
- (6) REDUCTION-IN-FORCE;**
- (7) RELEASE;**
- (8) COMPENSATION;**
- (9) CLASSIFICATION;**
- (10) BENEFITS; AND**

Key: Strike-through Sections are from the current Standard Procedure.

BOLD CAPS are the proposed Regulation.

(11) TRAINING.

Process: The process section encompasses the employee process, management action, EEO Office action, and appeals process. A majority of the process remains the same.

Key updates and changes.

- clarifies that an individual experiencing or witnessing a violation is required to file a complaint and that the complaint shall be filed with the EEO Officer.
- the provision that a complaint of something outside of a violation of Chapters 9.335 and 9.340 that was removed from the scope section has been included here.
- the timeline for completion of the investigation has been shortened from 90 business days to 45 calendar days.
- clarification of the process for a Direct Report to file an appeal and use of a hearing officer for that appeal.

~~9.325.040~~ — ~~Employee complaint process.~~

~~An employee alleging a violation of WSSC Chapter [9.335](#), Equal Employment Opportunity Policy, or WSSC Chapter [9.340](#), Harassment, Employment Discrimination and Retaliation Policy, may file a complaint with his or her immediate supervisor, a higher level manager within the chain of command, the Fair Practice Officer (FPO), or any other Team Chief. Any employee who has witnessed a violation of these policies may similarly file a complaint. An employee may file a complaint verbally, in writing, or anonymously. An anonymous complaint, however, may limit WSSC's ability to conduct a thorough investigation.~~

~~An employee who has reason to believe that WSSC Chapter [9.335](#), Equal Employment Opportunity Policy, or WSSC Chapter [9.340](#), Harassment, Employment Discrimination and Retaliation Policy, have been violated is encouraged to file the complaint as soon as possible after the event that gives rise to the complaint. An employee shall file a complaint as soon as possible, but no later than six months after the alleged act or acts that gave rise to the complaint.~~

~~To the extent practicable, information related to a complaint shall be treated as confidential and will be shared only with individuals directly involved in the complaint, the investigation or resolution of the complaint.~~

~~9.325.050~~ — ~~Management action upon receiving an employee complaint.~~

~~Employees and managers are encouraged to resolve complaints filed pursuant to this policy at the earliest time and at the most immediate level; however, it is an employee's right and management's responsibility to report all employee complaints alleging violations of WSSC Chapter [9.335](#), Equal Employment Opportunity Policy, or WSSC Chapter [9.340](#), Harassment, Employment Discrimination and Retaliation Policy, as provided in this chapter.~~

Key: Strike-through Sections are from the current Standard Procedure.

BOLD CAPS are the proposed Regulation.

~~A Supervisor or other individual who is the recipient of an EEO complaint shall document in writing the following information relevant to the complaint:~~

- ~~(a) Date and substance of the complaint.~~
- ~~(b) Names of the parties to the complaint.~~
- ~~(c) Names of any other individuals involved, including any involved as witnesses to the alleged actions.~~
- ~~(d) Remedy requested, if a request is made.~~

~~The recipient of a complaint, whether it is a manager, supervisor, or other WSSC employee, shall provide written notification to the FPO within 72 hours of the receipt of the complaint. In cases where the complaint is against or involves the FPO, the complaint will be referred to the General Manager for complaint intake, investigation, and resolution.~~

~~9.325.060 — Fair Practice Officer's actions upon receiving an employee complaint.~~

~~If an EEO complaint is not resolved through discussion and/or mediation with the supervisor, the complainant, and the alleged offender, the complainant shall complete an internal complaint intake form and the Fair Practice Officer will determine if a full investigation shall be conducted.~~

~~If a full investigation is conducted, at a minimum the following should be included:~~

- ~~(a) Interviewing and obtaining a written statement of allegations from the complainant;~~
- ~~(b) Interviewing and obtaining a written statement from the accused/offender;~~
- ~~(c) Interviewing and, if necessary, obtaining written statements of fact from all relevant witnesses identified by the complainant, the accused, or the FPO; and~~
- ~~(d) Reviewing all documents or other objects or materials identified by the complainant, the accused, or other relevant witnesses.~~

~~After the investigation is complete, the Fair Practice Officer will make written findings of fact and make a conclusion as to whether or not the WSSC policies on employment discrimination or harassment have been violated. The FPO shall communicate his/her findings and conclusion in writing to all parties involved.~~

~~The FPO shall make reasonable efforts to complete the investigation and make findings within 90 workdays after the complaint is filed.~~

~~If the FPO believes that the complaint raises significant legal issues, the FPO will promptly notify the General Counsel.~~

~~The FPO may recommend mediation at any time during the complaint investigation. If the parties agree to mediate, the FPO will not make any written findings until the mediation is completed and such findings will be limited to the issues raised in mediation.~~

Key: Strike-through Sections are from the current Standard Procedure.

BOLD CAPS are the proposed Regulation.

~~9.325.070 — Appeals — Fair Practices Appeals Board.~~

~~Any party adversely affected by the FPO's findings and conclusions may appeal the decision to the Fair Practices Appeals Board (FPAB) by filing a notice of appeal with the Office of the General Manager, in writing, within five business days of receipt of the FPO's decision.~~

~~The FPAB shall include the Deputy General Manager, the Human Resources Director, and a Team Chief outside of the complainant's chain of command selected by the General Manager. The Deputy General Manager shall serve as chair. If any member of the FPAB is involved in the facts underlying the complaint, or is otherwise unavailable, the General Manager shall designate a substitute, including a substitute chair, if necessary.~~

~~The FPAB shall hold an informal hearing prior to making a decision on the appeal. The appealing party will be notified in writing of the date, time, and place of the hearing. The hearing will not be recorded. The hearing is for the purpose of determining whether there is sufficient evidence to support the FPO's decision. To that end, the hearing shall be limited to (a) argument by the appealing party as to why the decision of the FPO should be reversed by the FPAB, (b) any argument by the FPO in response, and (c) presentment of any new evidence related to the complaint that has arisen since the time that the FPO decision was issued.~~

~~The FPAB shall issue a decision on the appeal within 30 calendar days after the conclusion of the hearing. The decision of the FPAB is the final WSSC decision as to the issues raised.~~

9.325.040 PROCESS.

(A) COMPLAINT PROCESS.

(1)(I) AN INDIVIDUAL WHO HAS WITNESSED A VIOLATION OF THESE POLICIES SHALL FILE A COMPLAINT.

(II) AN INDIVIDUAL MAY FILE THE COMPLAINT ANONYMOUSLY.

(2)(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS SUBSECTION, AN INDIVIDUAL ALLEGING, DISCRIMINATION, HARASSMENT, FAILURE TO ACCOMMODATE OR RETALIATION SHALL FILE A COMPLAINT WITH THE EEO OFFICER.

(II) AN INDIVIDUAL ALLEGING DISCRIMINATION, HARASSMENT, FAILURE TO ACCOMMODATE OR RETALIATION BY THE EEO OFFICER SHALL FILE A COMPLAINT WITH THE GENERAL MANAGER/CEO'S OFFICE.

(3) A COMPLAINT THAT DOES NOT ALLEGE DISCRIMINATION, HARASSMENT, FAILURE TO ACCOMMODATE OR RETALIATION MAY BE REFERRED TO THE HUMAN RESOURCES OFFICE, THE OFFICE OF THE INSPECTOR GENERAL, OR OTHER APPROPRIATE OFFICE FOR RESOLUTION.

Key: Strike-through Sections are from the current Standard Procedure.

BOLD CAPS are the proposed Regulation.

(4)(I) A COMPLAINANT MAY FILE THE COMPLAINT VERBALLY OR IN WRITING.

(II) IF A COMPLAINANT FILES A COMPLAINT VERBALLY, THE EEO OFFICER MAY REQUIRE THE COMPLAINANT TO REDUCE THE COMPLAINT TO WRITING.

(III) THE EEO OFFICER MAY REQUIRE A COMPLAINANT TO COMPLETE THE INTERNAL EEO COMPLAINT FORM.

(5) THE COMPLAINANT SHALL FILE AN EEO COMPLAINT AS SOON AS POSSIBLE, BUT NO LATER THAN 180 CALENDAR DAYS AFTER THE ALLEGED ACT OR ACTS THAT GAVE RISE TO THE COMPLAINT.

(B) CONFIDENTIALITY.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, INFORMATION RELATED TO A COMPLAINT AND INVESTIGATION SHALL BE CONFIDENTIAL.

(2) LIMITED INFORMATION RELATED TO A COMPLAINT MAY BE SHARED WITH INDIVIDUALS DIRECTLY INVOLVED IN THE COMPLAINT, INVESTIGATION, OR RESOLUTION OF THE COMPLAINT.

(C) MANAGEMENT ACTION UPON RECEIVING A COMPLAINT.

(1) ANY SUPERVISOR OR MANAGER WHO IS THE RECIPIENT OF AN EEO COMPLAINT SHALL DOCUMENT RECEIPT OF THE COMPLAINT AND ANY RELEVANT INFORMATION WHICH MAY INCLUDE:

(I) THE DATE AND SUBSTANCE OF THE COMPLAINT;

(II) NAMES OF THE PARTIES TO THE COMPLAINT;

(III) NAMES OF ANY OTHER INDIVIDUALS INVOLVED;

(IV) THE REQUESTED REMEDY.

(2)(I) THE SUPERVISOR OR MANAGER WHO IS THE RECIPIENT OF AN EEO COMPLAINT SHALL PROVIDE WRITTEN NOTICE TO THE EEO OFFICER OF THE COMPLAINT AS SOON AS POSSIBLE BUT NO LATER THAN 72 HOURS AFTER RECEIPT.

Key: Strike-through Sections are from the current Standard Procedure.

BOLD CAPS are the proposed Regulation.

(II) A SUPERVISOR OR MANAGER WHO IS IN RECEIPT OF AN EEO COMPLAINT BUT DOES NOT PROVIDE WRITTEN NOTICE TO THE EEO OFFICER MAY BE SUBJECT TO DISCIPLINE.

(3)(I) IN CASES WHERE THE EEO COMPLAINT IS AGAINST OR INVOLVES THE EEO OFFICER, THE COMPLAINT SHALL BE FORWARDED BY THE SUPERVISOR OR MANAGER TO THE GENERAL MANAGER/CEO FOR INTAKE, INVESTIGATION, AND RESOLUTION.

(II) THE GENERAL MANAGER/CEO SHALL CONSULT WITH THE GENERAL COUNSEL'S OFFICE ON THE INTAKE, INVESTIGATION, AND RESOLUTION OF A COMPLAINT INVOLVING THE EEO OFFICER.

(D) EEO OFFICER'S ACTIONS ON RECEIVING A COMPLAINT.

(1) THE EEO OFFICER MAY ATTEMPT TO RESOLVE THE COMPLAINT WITHIN SEVEN BUSINESS DAYS THROUGH DISCUSSION OR MEDIATION WITH THE SUPERVISOR, THE COMPLAINANT, AND THE ALLEGED OFFENDER.

(2) IF THE COMPLAINT IS NOT RESOLVED THROUGH DISCUSSION OR MEDIATION WITHIN SEVEN BUSINESS DAYS OF THE COMPLAINT, THE COMPLAINANT SHALL COMPLETE AN INTERNAL COMPLAINT INTAKE FORM IF NOT ALREADY COMPLETED.

(3)(I) THE EEO OFFICER SHALL CONDUCT AN INVESTIGATION.

(II) AN INVESTIGATION MAY BE TERMINATED BY THE GENERAL COUNSEL IF THE COMPLAINANT HAS ALSO FILED A COMPLAINT WITH A FEDERAL OR STATE ENFORCEMENT AGENCY OR HAS FILED A CIVIL ACTION IN COURT ALLEGING THE SAME OR RELATED VIOLATIONS.

(III) THE EEO OFFICER SHALL COMPLETELY INVESTIGATE THE COMPLAINT AND MAY:

1. INTERVIEW THE COMPLAINANT, ACCUSED EMPLOYEES, OR OTHER RELEVANT WITNESSES;

2. REVIEW RELEVANT DOCUMENTS AND PROCEDURES;

AND

3. UTILIZE WITNESS STATEMENTS OR DOCUMENTS FROM A PRIOR INVESTIGATION TO SUPPLEMENT OR EXPEDITE AN INVESTIGATION WHEN THE SAME PERSONS OR ALLEGATIONS

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BOLD CAPS are the proposed Regulation.

ARE INVOLVED SO LONG AS DOING SO WILL NOT COMPROMISE THE COMPLETENESS OF THE CURRENT INVESTIGATION.

(IV) EMPLOYEES SHALL COOPERATE WITH REQUESTS MADE BY THE EEO OFFICER IN THE COURSE OF THE INVESTIGATION.

(V) THE EEO OFFICER SHALL MAKE REASONABLE EFFORTS TO COMPLETE THE INVESTIGATION WITHIN 45 CALENDAR DAYS.

(4) AFTER THE INVESTIGATION IS COMPLETE, THE EEO OFFICER SHALL MAKE WRITTEN FINDINGS OF FACT AND CONCLUSIONS AS TO WHETHER WSSC POLICIES WERE VIOLATED.

(5) THE EEO OFFICER'S FINDINGS ARE CONFIDENTIAL.

(6) THE EEO OFFICER SHALL GIVE THE COMPLAINANT A NOTICE OF CONCLUSION.

(7) THE EEO OFFICER MAY RECOMMEND MEDIATION AT ANY TIME DURING THE INVESTIGATION.

(E) APPEALS.

(1) A COMPLAINANT WHO DISAGREES WITH THE FINDINGS OR CONCLUSIONS CONTAINED IN THE NOTICE OF CONCLUSION MAY FILE AN APPEAL BEFORE THE EEO APPEALS BOARD.

(2)(I) EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SECTION, IF THE EEO INVESTIGATION RESULTS IN AN ORAL OR WRITTEN WARNING OR THE ACCUSED EMPLOYEE IS SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT, THE ACCUSED EMPLOYEE MAY FILE AN APPEAL BEFORE THE EEO APPEALS BOARD.

(II) EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SECTION, IF THE EEO INVESTIGATION RESULTS IN SUSPENSION OR RELEASE, THE ACCUSED EMPLOYEE MAY FILE AN APPEAL ACCORDING TO WSSC CHAPTER 9.120 PROCEDURES FOR APPEALING DISCIPLINARY ACTION.

(3) AN APPEAL SHALL:

(I) BE SUBMITTED IN WRITING TO THE EEO OFFICER WITHIN FIVE BUSINESS DAYS OF THE DATE OF NOTIFICATION OF THE NOTICE OF CONCLUSIONS; AND

Key: Strike-through Sections are from the current Standard Procedure.

BOLD CAPS are the proposed Regulation.

(II) IDENTIFY PROBATIVE EVIDENCE THAT WAS OVERLOOKED, OMITTED, OR WAS OTHERWISE UNAVAILABLE AT THE TIME OF THE INVESTIGATION; OR

(III) ALLEGE THE INVESTIGATIVE REPORT CONTAINS MATERIAL MISTAKES OF FACTS.

(4)(I) THE EEO APPEALS BOARD SHALL BE SELECTED BY THE GENERAL MANAGER/CEO AND SHALL INCLUDE A DEPUTY GENERAL MANAGER, THE HUMAN RESOURCES DIRECTOR, AND A DEPARTMENT HEAD.

(II) MEMBERS OF THE APPEALS BOARD MAY NOT BE IN THE COMPLAINANT'S CHAIN OF COMMAND.

(III) IF ANY MEMBER OF THE EEO APPEALS BOARD IS INVOLVED IN THE FACTS UNDERLYING THE COMPLAINT, OR IS OTHERWISE UNAVAILABLE, THE GENERAL MANAGER/CEO SHALL DESIGNATE A SUBSTITUTE.

(5)(I) THE EEO APPEALS BOARD SHALL HOLD AN INFORMAL HEARING PRIOR TO MAKING A DECISION ON THE APPEAL.

(II) THE APPEALING PARTY SHALL BE NOTIFIED IN WRITING OF THE DATE, TIME AND PLACE OF THE HEARING.

(III) THE EEO APPEALS BOARD SHALL ISSUE A WRITTEN DECISION ON THE APPEAL WITHIN 30 CALENDAR DAYS AFTER THE CONCLUSION OF THE HEARING.

(IV) THE APPEALS BOARD MAY:

1. REMAND THE APPEAL FOR FURTHER CONSIDERATION;

OR

2. UPHOLD THE NOTICE OF CONCLUSION.

(V) IF THE APPEALS BOARD UPHOLDS THE NOTICE OF CONCLUSION, THE APPEALS BOARD DECISION IS THE FINAL WSSC DECISION.

(6)(I) IN THIS PARAGRAPH, "DIRECT REPORTS" MEANS DIRECT COMMISSION REPORTS, DIRECT GENERAL MANAGER/CEO REPORTS AND DIRECT DEPUTY GENERAL MANAGER REPORTS.

(II) DIRECT REPORTS MAY FILE AN APPEAL.

(III) THE APPEAL SHALL BE HEARD BY A HEARING OFFICER SELECTED BY THE GENERAL COUNSEL IN CONSULTATION WITH THE EEO OFFICER.

(IV) 1. THE HEARING OFFICER SHALL HOLD AN INFORMAL HEARING PRIOR TO DECIDING THE APPEAL.

Key: Strike-through Sections are from the current Standard Procedure.

BOLD CAPS are the proposed Regulation.

2. THE APPEALING PARTY SHALL BE NOTIFIED IN WRITING OF THE DATE, TIME AND PLACE OF THE HEARING.

(V) WITHIN 30 CALENDAR DAYS AFTER THE HEARING, BY WRITTEN DECISION THE HEARING OFFICER MAY:

**1. REMAND THE APPEAL FOR FURTHER CONSIDERATION;
OR**

2. UPHOLD THE NOTICE OF CONCLUSION.

(VI) IF THE HEARING OFFICER UPHOLDS THE NOTICE OF CONCLUSION, THE HEARING OFFICER'S DECISION IS THE FINAL WSSC DECISION.

Retaliation: This section is new and emphasizes WSSC Water's commitment to stopping retaliation.
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9.325.050 RETALIATION.

(A) AN OFFICER, EMPLOYEE, OR AGENT OF WSSC MAY NOT INTIMIDATE, THREATEN, COERCE, OR OTHERWISE DISCRIMINATE AGAINST AN INDIVIDUAL BECAUSE THAT INDIVIDUAL ENGAGED IN PROTECTED EEO ACTIVITY.

(B) AN OFFICER, EMPLOYEE, OR AGENT OF WSSC SHALL NOT ATTEMPT TO DISSUADE OTHERS FROM ENGAGING IN PROTECTED EEO ACTIVITY.

Penalties: The prohibition of "falsification of complaints" has been updated to use the broader language "complaints not made in good faith."

~~9.325.080 Discipline.~~

~~Incidents of proven discrimination, harassment, or retaliation shall be considered cause for appropriate disciplinary action up to and including release.~~

~~Falsification of complaints of discrimination, harassment, or retaliation shall be considered cause for appropriate disciplinary action up to and including release.~~

9.325.060 PENALTIES.

(A) INCIDENTS OF DISCRIMINATION, HARASSMENT, OR RETALIATION SHALL BE CONSIDERED CAUSE FOR APPROPRIATE DISCIPLINARY ACTION INCLUDING RELEASE FROM EMPLOYMENT.

Key: Strike-through Sections are from the current Standard Procedure.

BOLD CAPS are the proposed Regulation.

(B) COMPLAINTS OF DISCRIMINATION, HARASSMENT, OR RETALIATION NOT MADE IN GOOD FAITH SHALL BE CONSIDERED CAUSE FOR APPROPRIATE DISCIPLINARY ACTION INCLUDING RELEASE FROM EMPLOYMENT.

Anonymous complaint: This section has been removed.

~~9.325.090~~ ~~Anonymous complaint.~~

~~Any individual receiving an anonymous complaint of employment discrimination, harassment, or retaliation shall forward the complaint to the FPO.~~

Reports: This section has been removed.

~~9.325.100~~ ~~Reports.~~

~~The FPO shall provide to the General Manager and Deputy General Manager quarterly statistical reports of activity under this chapter.~~

Key: Strike-through Sections are from the current Standard Procedure.

BOLD CAPS are the proposed Regulation.

WSSC CODE OF REGULATIONS 2020

TITLE 9: HUMAN RESOURCES MANAGEMENT SUBTITLE V: EQUAL EMPLOYMENT OPPORTUNITY CHAPTER 9.335: EQUAL EMPLOYMENT OPPORTUNITY POLICY

Purpose: The purpose statement has been streamlined and simplified.

9.335.010 — Purpose.

~~To satisfy WSSC's policy on equal employment opportunity (EEO) principles and goals, to outline the responsibilities of management and supervisory personnel for implementing this policy and to outline the responsibilities of management, supervisory, and nonsupervisory personnel for fostering a spirit of equal employment opportunity.~~

9.335.010 PURPOSE.

THE PURPOSE OF THIS CHAPTER IS TO ESTABLISH WSSC'S EQUAL EMPLOYMENT OPPORTUNITY PRINCIPLES AND GOALS.

Policy: The policy statement has been streamlined by removing the commentary regarding WSSC Water's commitment to equal employment opportunity and the list of protected classes.

9.335.020 — Policy.

~~WSSC recognizes that all persons are entitled to equal employment opportunity. WSSC will not fail or refuse to hire, discharge, or otherwise discriminate against any individual (including an employee, former employee, or applicant for employment) with respect to compensation, and other terms, conditions and privileges of employment, because of race, color, creed, ancestry, religion, sex, age, national origin, marital status, sexual orientation, genetic information, pregnancy, child birth, military or veteran's status, political affiliation, disability that does not reasonably preclude employment, refusal to submit to a genetic test, refusal to make available the results of a genetic test, or any other characteristic or conduct protected by law. WSSC shall clearly communicate this policy to all WSSC employees at the onset of their employment and at other appropriate times.~~

Key: Strike-through Sections are from the current Standard Procedure.

BOLD CAPS are the proposed Regulation.

~~WSSC's commitment to equal opportunity shall be guided by the principle that equality is achieved where individuals are given opportunities to enable them to grow professionally and to realize their full potential in employment without regard to any personal characteristics protected by the law.~~

9.335.020 POLICY.

(A) WSSC IS AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER.

(B) WSSC SHALL:

(1) ENFORCE FEDERAL, STATE, AND LOCAL LAWS THAT PROHIBIT EMPLOYMENT DISCRIMINATION IN THE WORKPLACE; AND

(2) CONDUCT ALL EMPLOYMENT ACTIVITIES IN A MANNER THAT ENSURES EQUAL EMPLOYMENT OPPORTUNITY FOR ALL PERSONS CONSISTENT WITH APPLICABLE FEDERAL, STATE AND LOCAL LAWS.

(C) WSSC SHALL COMMUNICATE THIS POLICY TO ALL WSSC EMPLOYEES AT THE ONSET OF THEIR EMPLOYMENT AND AT OTHER APPROPRIATE TIMES.

Scope: The scope section is new.

9.335.030 SCOPE.

(A) THIS CHAPTER APPLIES TO ALL WSSC EMPLOYEES, APPLICANTS FOR EMPLOYMENT, AND INDIVIDUALS CONDUCTING BUSINESS WITH WSSC.

(B) THIS CHAPTER APPLIES TO ALL EMPLOYMENT PRACTICES INCLUDING RECRUITMENT, HIRING, PROMOTION, DEMOTION, TRANSFER, REDUCTION-IN-FORCE, RELEASE, COMPENSATION, CLASSIFICATION, BENEFITS, TRAINING, OR OTHER WORKING CONDITIONS.

Key: Strike-through Sections are from the current Standard Procedure.

BOLD CAPS are the proposed Regulation.

Responsibilities: The management and nonsupervisory personnel responsibilities were removed as they are already contained in Chapter 9.340.

~~9.335.030~~ — ~~Responsibilities.~~

~~(a) Management and supervisory personnel shall be responsible for fostering a spirit of equal employment opportunity and for implementing the equal employment opportunity policy in their respective areas. Responsibilities shall include:~~

~~(1) Assuring that supervisors who report to them are fully aware of and comply with WSSC's equal employment opportunity policy.~~

~~(2) Assuring that female and minority individuals are not discouraged from applying and qualifying for available openings.~~

~~(3) Assuring that employees under their supervision are provided with equal opportunities for salary, position advancement, and training.~~

~~(4) Evaluating and disciplining employees strictly in terms of their work records and without regard to an employee's race, color, creed, ancestry, sex, pregnancy, sexual orientation, gender identity and expression, genetic information, age, religion, veteran's status, personal appearance, marital status, or any other personal characteristics protected by law.~~

~~(b) Nonsupervisory personnel shall be responsible for fostering a spirit of equal employment opportunity not only within the confines of their own job assignments but also throughout WSSC.~~

~~The Fair Practice Officer shall be responsible for assisting management in the application of WSSC's equal employment opportunity policy and shall be available to answer any questions concerning this policy.~~

9.335.040 RESPONSIBILITIES.

Key: Strike-through Sections are from the current Standard Procedure.

BOLD CAPS are the proposed Regulation.

THE EQUAL EMPLOYMENT OPPORTUNITY OFFICER SHALL BE RESPONSIBLE FOR ASSISTING MANAGEMENT IN THE APPLICATION OF WSSC'S EQUAL EMPLOYMENT OPPORTUNITY POLICY.

Complaints: This section is new and ties this Chapter back to Chapter 9.325 for the complaint procedure.

9.335.050 COMPLAINTS.

AN INDIVIDUAL WISHING TO FILE AN EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT MAY DO SO IN ACCORDANCE WITH WSSC CHAPTER 9.325, EEO, HARASSMENT, AND RETALIATION INTERNAL COMPLAINT PROCEDURE.

Affirmative Action Plan: Because WSSC is not presently doing business with the Federal Government, this section was updated to make the language conditional and to remove the final statement of where the affirmative action plan is available.

~~9.335.040 — Affirmative action plan.~~

~~When WSSC does business with the federal government, it is required by law to implement an affirmative action plan as set forth in [41](#) CFR 60 2.10. WSSC's affirmative action plan is available in the Fair Practice Office.~~

9.335.060 AFFIRMATIVE ACTION PLAN.

WHEN WSSC DOES BUSINESS WITH THE FEDERAL GOVERNMENT, IT WILL IMPLEMENT AN AFFIRMATIVE ACTION PLAN AS REQUIRED BY 41 CFR 60-2.10.

Discipline: This section is new. The content was moved from the Manager responsibilities section of Chapter 9.340 for clarity.

9.335.070 DISCIPLINE

VIOLATIONS OF WSSC'S EQUAL EMPLOYMENT OPPORTUNITY POLICY SHALL BE CONSIDERED CAUSE FOR APPROPRIATE DISCIPLINARY ACTION INCLUDING RELEASE FROM EMPLOYMENT.

Key: Strike-through Sections are the current standard procedure.

BOLD CAPS are the proposed regulation.

WSSC CODE OF REGULATIONS 2020

TITLE 9: HUMAN RESOURCES MANAGEMENT

SUBTITLE V: EQUAL EMPLOYMENT OPPORTUNITY

CHAPTER 9.340: DISCRIMINATION, HARASSMENT, AND RETALIATION

Definitions: Most of the defined words are repeated throughout Subtitle V. A new chapter has been created, Chapter 9.323, Definitions, to house those definitions and, as a result, the remaining chapters have much smaller definitions sections where only the words unique to that chapter are defined.

9.340.030 — Definitions.

The following terms have the meanings indicated:

~~(a) Discrimination. Discrimination occurs when an action has been taken or failed to be taken against an individual based on the individual's (including an employee, former employee, or applicant for employment) race, ethnicity, creed, ancestry, color, religion, sex, age, national origin, marital status, sexual orientation, genetic information, pregnancy, child birth, military or veteran's status, political affiliation, disability that does not reasonably preclude employment, refusal to submit to a genetic test, refusal to make available the results of a genetic test, or any other characteristic or conduct protected by law.~~

~~(b) "Harassment" means unwelcome or unsolicited conduct or comments that target a person and that are based on an individual's (including an employee, former employee, or applicant for employment) race, ethnicity, creed, ancestry, color, religion, sex, age, national origin, marital status, sexual orientation, genetic information, pregnancy, child birth, military or veteran's status, political affiliation, disability that does not reasonably preclude employment, refusal to submit to a genetic test, refusal to make available the results of a genetic test, or any other characteristic or conduct protected by law when:~~

~~(1) The conduct or comment is so severe it interferes with an employee's job performance or creates an intimidating, hostile, or offensive working environment. For example, unwelcomed forced sexual touch, hanging nooses, KKK inscriptions, or other egregious racial symbols or name calling; or~~

~~(2) The conduct or comments are so pervasive (persistent) that it interferes with an employee's job performance or creates an intimidating, hostile, or offensive work environment. For example, repeated (over the course of a month or two) ridicule about disability, etc., or any other characteristic protected by law, or repeated racial jokes that go unaddressed by the supervisor after it has been reported.~~

~~Some examples that may be considered harassment depending upon the facts and circumstances are:~~

~~(i) Derogatory or vulgar comments, blatant jokes, slurs, graffiti, and cartoons regarding an individual's (including an employee, former employee, or applicant for employment) race, ethnicity, creed, ancestry, color, religion, sex, age, national origin, marital status, sexual orientation, genetic information, pregnancy, child birth, military or veteran's status, political affiliation, disability, or any other characteristic or conduct protected by law.~~

~~(ii) Veiled comments and threats, subtle intimidation, asking personal questions about another employee's sex life, repeatedly asking for a date when that person has indicated he/she is not interested, and language or behavior that may seem to be meant in fun when such actions are based on a person's protected status outlined by law.~~

~~(iii) Staring at someone, standing over someone or invading their personal space in an intimidating and/or threatening manner, intentionally brushing up against someone or inappropriate or prolonged staring based on an individual's protected class as outlined by law.~~

~~(iv) Harassment can also be physical; for example, hitting, pushing, or other aggressive physical contact, touching or making threats of physical harm based on an individual's protected class as outlined by law.~~

~~(c) Retaliation. "Retaliation" is defined as an adverse action taken against an employee because he or she engaged in protected activity.~~

~~(1) Adverse action includes employment actions such as termination, refusal to hire, and denial of promotion or other actions affecting employment such as threats, unjustified negative evaluations, or any other action that is likely to deter a reasonable person from pursuing his or her rights.~~

~~(2) Protected activity includes opposing a practice believed to be unlawful or participating in an employment discrimination proceeding.~~

~~Examples of protected activity include: filing a charge of employment discrimination, complaining about alleged unlawful discrimination or harassment, or cooperating with an internal investigation regarding an alleged discriminatory practice or a specific EEO complaint.~~

~~(d) Sexual Harassment—Hostile Work Environment. This type of sexual harassment is defined as threats (physical and/or verbal), harassing remarks, insults, and demeaning behavior on the basis of an individual’s gender. Sexual harassment may also include explicit sexual propositions, sexual innuendo, suggestive comments, gender-based slurs, sexually oriented or gender-based “kidding” or “teasing,” “practical jokes,” jokes about gender-specific traits, and improper physical contact, such as patting, pinching or brushing against another’s body. Sexual harassment may include verbal or physical conduct of a sexual or gender-based nature engaged in by a person of the same sex as well as by a person of the opposite sex. Sexual harassment does not refer to occasional compliments of a socially acceptable nature or welcome social relationships.~~

~~(e) Sexual Harassment—Quid Pro Quo. This type of sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on a sexual nature when (a) submission to such conduct is an explicit or implicit term or condition of employment; (b) submission to or rejection of the conduct is used as the basis for an employment decision; or (c) the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment. These unwelcome actions may include threats that are not carried out.~~

9.340.010 DEFINITIONS.

(A) IN THIS CHAPTER, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “DISABILITY” MEANS:

(1) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS THE CONDITION, MANNER, OR DURATION IN WHICH AN INDIVIDUAL CAN PERFORM ONE OR MORE MAJOR LIFE ACTIVITIES;

(2) A RECORD OF HAVING SUCH AN IMPAIRMENT AS DESCRIBED IN PARAGRAPH (1); OR

(3) BEING REGARDED AS HAVING SUCH AN IMPAIRMENT AS DESCRIBED IN PARAGRAPH (1).

Purpose: The purpose section has been updated to maintain consistency in language and formatting.

~~9.340.010 — Purpose.~~

~~The purpose of this policy is to state WSSC's commitment to prohibiting harassment, employment discrimination, and retaliation and to outline the responsibilities of those who are accountable for ensuring that WSSC's commitments are fulfilled.~~

9.340.020 PURPOSE.

THE PURPOSE OF THIS CHAPTER IS TO STATE WSSC'S POLICY OF PROHIBITING HARASSMENT, EMPLOYMENT DISCRIMINATION, AND RETALIATION.

Harassment: This section is new and designed to provide employees with a list of ways in which harassment may occur.

9.340.030 HARASSMENT.

THE FOLLOWING ARE EXAMPLES OF HARASSMENT FOR THE PURPOSE OF INTERPRETING THIS CHAPTER:

- (1) UNWELCOME SEXUAL FLIRTATIONS, ADVANCES, OR PROPOSITIONS.**
- (2) DEROGATORY OR VULGAR COMMENTS, JOKES, SLURS, GRAFFITI, PICTURES OR CARTOONS REGARDING AN INDIVIDUAL'S PROTECTED CLASS OR PROTECTED EEO ACTIVITY.**
- (3) COMMENTS OR THREATS RELATED TO A PERSON'S PROTECTED CLASS OR PROTECTED EEO ACTIVITY.**
- (4) INTIMIDATION BASED ON A PERSON'S PROTECTED CLASS OR PROTECTED EEO ACTIVITY.**
- (5) ASKING PERSONAL QUESTIONS ABOUT ANOTHER EMPLOYEE'S SEX LIFE.**
- (6) LANGUAGE OR BEHAVIOR, THAT MAY OTHERWISE APPEAR BENIGN WHEN SUCH ACTIONS ARE BASED ON A PERSON'S PROTECTED CLASS OR PROTECTED EEO ACTIVITY.**
- (7) PHYSICAL CONDUCT SUCH AS HITTING, PUSHING, GROPING, OR OTHER TOUCHING.**
- (8) ISOLATION OR EXCLUSION.**

Scope: The scope section is new and consistent with our use of the Maryland Style.

9.340.040 SCOPE.

(A) THIS CHAPTER APPLIES TO:

(1) ALL INDIVIDUALS, INCLUDING INDEPENDENT CONTRACTORS, CURRENT OR FORMER EMPLOYEES OR THOSE SEEKING EMPLOYMENT WITH WSSC; AND

(2) ALL TERMS, CONDITIONS, OR PRIVILEGES OF EMPLOYMENT AND EMPLOYMENT PRACTICES INCLUDING:

- (I) RECRUITMENT;**
- (II) HIRING;**
- (III) PROMOTION;**
- (IV) DEMOTION;**
- (V) TRANSFER;**
- (VI) REDUCTION-IN-FORCE;**
- (VII) RELEASE;**
- (VIII) COMPENSATION;**
- (IX) CLASSIFICATION;**
- (X) BENEFITS; AND**
- (XI) TRAINING.**

(B) THIS CHAPTER DOES NOT APPLY TO CLAIMS OTHER THAN DISCRIMINATION, HARASSMENT, OR RETALIATION.

Policy: The policy section has been updated into the Maryland style and most changes were made to conform with that styling and to remain consistent across the EEO Chapters. Additions include a statement that WSSC shall promptly investigate complaints rather than a statement that WSSC will not tolerate harassment, discrimination, or retaliation. Also included are directions that employees shall follow the reporting procedures of Chapter 9.325.

~~9.340.020 — Policy.~~

~~WSSC prohibits any harassment, retaliation, and other forms of discrimination based on an individual's (including an employee, former employee, or applicant for employment) race, ethnicity, creed, ancestry, color, religion, sex, age, national origin, marital status, sexual orientation, genetic information, pregnancy, child birth, military or veteran's status, political affiliation, disability that does not reasonably preclude employment, refusal to submit to a genetic test, refusal to make available the results of a genetic test, or any other characteristic or conduct protected by law.~~

~~WSSC shall not tolerate harassment, sexual harassment, discrimination and/or retaliation in the workplace or in any situation that is work related, such as off-site meetings, client offices, and the like.~~

~~WSSC shall consider harassment, discrimination, and retaliation serious acts of misconduct and grounds for disciplinary action.~~

9.340.050 POLICY.

(A) WSSC PROHIBITS:

(1) DISCRIMINATION, HARASSMENT, AND RETALIATION BASED ON AN INDIVIDUAL'S PROTECTED CLASS;

(2) DISCRIMINATION, HARASSMENT, AND RETALIATION IN THE WORKPLACE AND IN ANY SITUATION THAT IS WORK RELATED; AND

(3) HARASSMENT OR DISCRIMINATION OF WSSC EMPLOYEES BY CUSTOMERS, VISITORS, CONTRACTORS, VENDORS, OR OTHER PERSONS WHO CONDUCT BUSINESS WITH WSSC.

(B)(1) WSSC SHALL PROMPTLY AND THOROUGHLY INVESTIGATE ANY COMPLAINT OF DISCRIMINATION, HARASSMENT, OR RETALIATION AND SHALL TAKE CORRECTIVE ACTION AS APPROPRIATE.

(2) EMPLOYEES SHALL FOLLOW THE REPORTING PROCEDURES OUTLINED IN WSSC CHAPTER 9.325, EEO, HARASSMENT AND RETALIATION INTERNAL COMPLAINT PROCEDURE.

(3) INCIDENTS OF DISCRIMINATION, HARASSMENT, OR RETALIATION SHALL BE CONSIDERED CAUSE FOR APPROPRIATE DISCIPLINARY ACTION INCLUDING RELEASE FROM EMPLOYMENT.

Management Responsibilities: This section is retitled Responsibilities as it encompasses the responsibilities of all employees and the EEO Office in addition to managers. The changes to this section are mainly stylistic. The disciplinary statement has been moved to Chapter 9.335.

~~9.340.040 — Management responsibility.~~

~~(a) Supervisory and management personnel shall be responsible for maintaining a workplace free of harassment, discrimination, and retaliation.~~

~~(b) Supervisors and managers who fail to take appropriate action in responding to sexual harassment, discrimination, and/or retaliation complaints shall be subject to disciplinary action.~~

~~(c) Supervisory and nonsupervisory personnel engaging in harassment, discrimination, or retaliation shall be subject to disciplinary action.~~

~~(d) The Fair Practices Officer shall be responsible for assisting management in the application of the policy and shall be available to answer any questions concerning this policy.~~

9.340.060 RESPONSIBILITIES.

(A) MANAGERS AND SUPERVISORS SHALL FOSTER A WORK ENVIRONMENT FREE FROM ACTS OF DISCRIMINATION, HARASSMENT, OR RETALIATION AND PROVIDE REASONABLE ACCOMMODATIONS TO A QUALIFIED INDIVIDUAL WITH DISABILITIES AND EMPLOYEES WITH DEEPLY HELD RELIGIOUS BELIEFS.

(B) WSSC EMPLOYEES SHALL BE RESPONSIBLE FOR REFRAINING FROM CONDUCT THAT CONSTITUTES DISCRIMINATION, HARASSMENT, OR RETALIATION.

(C) THE EEO OFFICE SHALL:

(1) BE RESPONSIBLE FOR ASSISTING MANAGERS AND EMPLOYEES IN THE APPLICATION OF THIS REGULATION; AND

(2) BE AVAILABLE TO ANSWER QUESTIONS CONCERNING THIS REGULATION.

Legal Review of Regulation

As requested, the following Regulation has been reviewed as required by Chapter 1.42 of the WSSC Manual of Standard Procedures:

WSSC Code of Regulations
Title 9: Human Resources Management
Subtitle V: Equal Employment Opportunity
Chapter 9.323: Definitions

1. Legal Sufficiency Review:

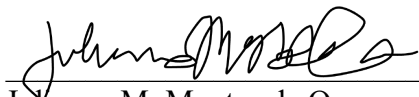
This Regulation has been reviewed and determined to be legally sufficient.

If not legally sufficient, details provided below:

N/A

2. Approval Authority

The Commission has authority to adopt this Regulation.



Julianne M. Montes de Oca

05/26/2020

Date

Legal Review of Regulation

As requested, the following Regulation has been reviewed as required by Chapter 1.42 of the WSSC Manual of Standard Procedures:

WSSC Code of Regulations
Title 9: Human Resources Management
Subtitle V: Equal Employment Opportunity
Chapter 9.325: EEO, Harassment and Retaliation Internal Complaint Procedure

1. Legal Sufficiency Review:

This Regulation has been reviewed and determined to be legally sufficient.

If not legally sufficient, details provided below:

N/A

2. Approval Authority

The Commission has authority to adopt this Regulation.



Julianne M. Montes de Oca

05/26/2020

Date

Legal Review of Regulation

As requested, the following Regulation has been reviewed as required by Chapter 1.42 of the WSSC Manual of Standard Procedures:

WSSC Code of Regulations
Title 9: Human Resources Management
Subtitle V: Equal Employment Opportunity
Chapter 9.335: Equal Employment Opportunity Policy

1. Legal Sufficiency Review:


This Regulation has been reviewed and determined to be legally sufficient.

If not legally sufficient, details provided below:

N/A

2. Approval Authority

The Commission has authority to adopt this Regulation.



Julianne M. Montes de Oca

05/26/2020

Date

Legal Review of Regulation

As requested, the following Regulation has been reviewed as required by Chapter 1.42 of the WSSC Manual of Standard Procedures:

WSSC Code of Regulations
Title 9: Human Resources Management
Subtitle V: Equal Employment Opportunity
Chapter 9.340: Discrimination, Harassment, and Retaliation

1. Legal Sufficiency Review:

This Regulation has been reviewed and determined to be legally sufficient.

If not legally sufficient, details provided below:

N/A

2. Approval Authority

The Commission has authority to adopt this Regulation.



Julianne M. Montes de Oca

05/26/2020

Date



Proposed Equal Employment Opportunity and Anti-Harassment Regulations:Vote

July 15, 2020

Goal

To obtain Commission approval on the proposed Equal Employment Opportunity (EEO) and Anti-Harassment Regulations presented on June 17, 2020.

Summary

The regulations update and upgrade WSSC Water's Equal Employment Opportunity (EEO) and Anti-Harassment policies and procedures to reflect changes in the law.

What's Covered?

The following categories of allegations:

- Employment Discrimination
- EEO Retaliation
- Harassment/Hostile Work Environment
- Failure to Accommodate (Disability)
- Failure to Accommodate (Religion)

What's New?

Significant Changes:

- Conversion to a regulation
- A separate provision for definitions
- Aligning EEO definitions to Maryland Civil Rights Commission
- Requiring employees to participate in investigations
- Clearly worded provision on confidentiality
- Inclusion of non-WSSC Water employees as potential complainants

EEO Laws

Civil Rights Act of
1964, Title VII, as
amended.

Americans With
Disabilities Act

Age
Discrimination in
Employment Act

Equal Pay Act

Genetic
Information Non-
Discrimination Act

Maryland
Employment Anti-
Discrimination
Law

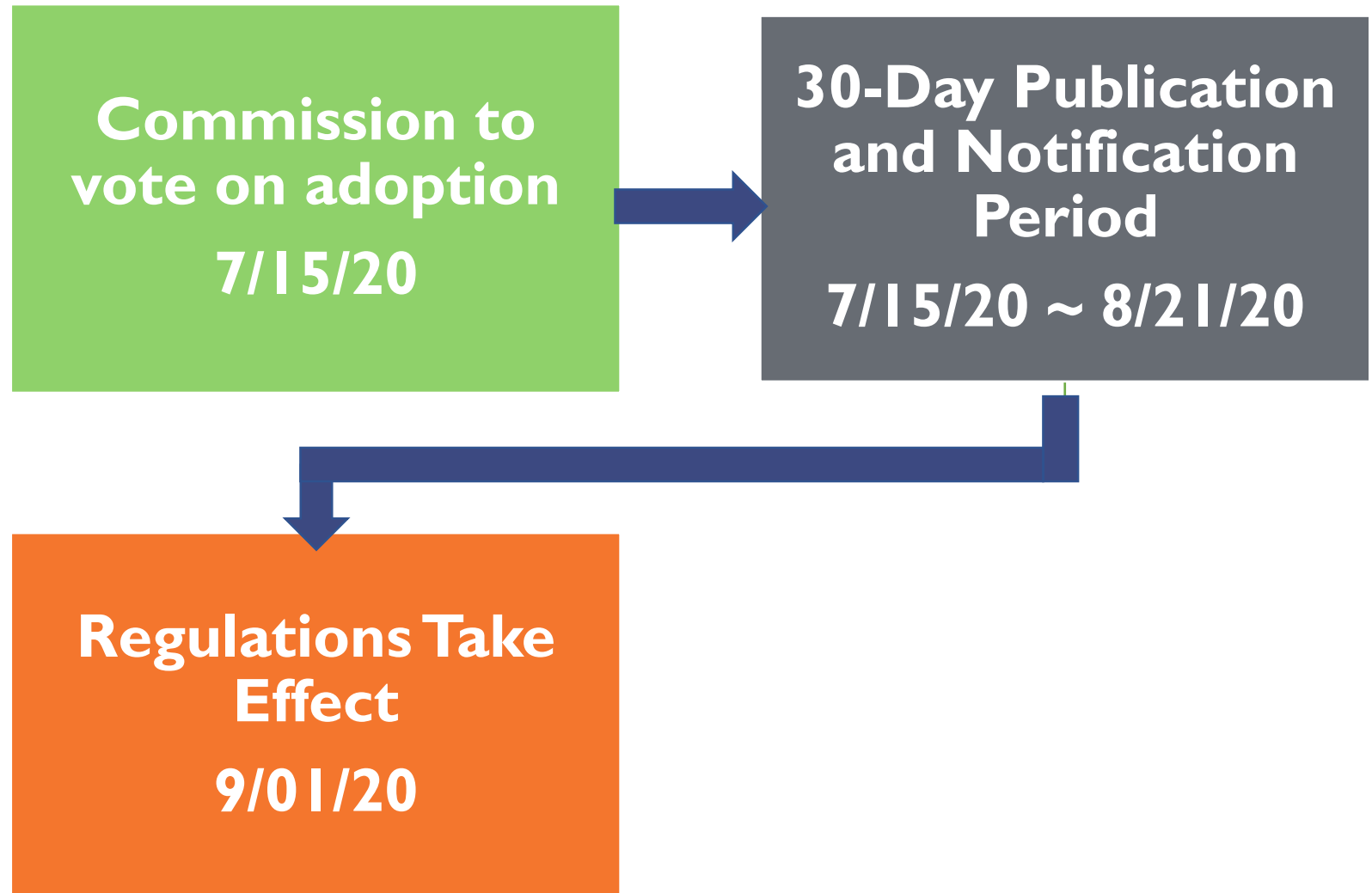
Prince George's
County Human
Relations
Commission Code

Montgomery
County Human
Rights and Civil
Liberties Code

Key Provisions

Definitions of applicable terms	Regulation 9.323
Procedures for processing and adjudicating cases of discrimination and harassment	Regulation 9.325
WSSC Water Policies on EEO and Harassment	Regulations 9.335; 9.340
Overview of Rights and Responsibilities for various parties	Regulation 9.340

Next Steps



Questions?

