

Greater Peoria Mass Transit EEOC Personnel Policy (CityLink)

The purpose of this Equal Employment Opportunity Program is to ensure that the Greater Peoria Mass Transit District (hereinafter referred to as the "District") shall not discriminate against any qualified employee or qualified applicant for employment because of race, color, religion, sex, age, national origin, family status, sexual orientation, genetic information, disability or military status, and will take affirmative action to ensure Equal Employment Opportunity. The provisions of this plan, therefore, impact upon all of the personnel policies and procedures and upon all management within this organization.

Disability

The District is committed to the fair and equal employment of individuals with disabilities. It is the District's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the organization. In accordance with the Americans with Disabilities Act ("ADA") as amended, reasonable accommodations will be provided to qualified individuals with disabilities when such accommodations are necessary to enable them to perform the essential functions of their jobs, or to enjoy the equal benefits and privileges of employment. This policy applies to all qualified applicants for employment, and all employees.

Definitions

"Disability" is an impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment. A "major life activity", as defined by the Equal Employment Opportunity Commission ("EEOC"), is an action that the general population would take for granted and one that is central to everyday life, including breathing, eating, sleeping, learning, reading, concentrating, lifting, communicating, and walking. A "major life activity", as defined by the EEOC, also includes major bodily functions, which include immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting. Nonetheless, not every impairment will constitute a disability. An impairment is a disability if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

A "qualified individual with a disability" is an individual with a disability who satisfies the requisite skill, experience, education, licensing and other job-related requirements of the employment position that such individual holds or desires and who, with or without reasonable accommodation, can perform the essential functions of such position. All applicants, whether or not they have a disability, must have the required education, licenses, experience and skills in order to be considered qualified.

Reasonable Accommodation

The District will seek to provide reasonable accommodation for a known disability or at the request of an individual with a disability. Many individuals with disabilities can apply for and perform the essential functions of their jobs without any reasonable accommodations. However, there are situations where a workplace barrier may interfere. A reasonable accommodation is the change or adjustment to the job

applications process, work environment, or work processes that would make it possible for the qualified individual with a disability to perform the essential functions of the job.

There are two types of reasonable accommodations that may be considered:

1. Modifications to the work environment so that the qualified individual with a disability can perform the essential functions of the job; *and*
2. Adjustments that will allow a qualified individual with a disability to enjoy the same benefits and privileges of employment as other similarly situated employees without disabilities.

Essential Job Functions

For each position, the job description typically will identify essential job functions. The Human Resources Department will generally review job descriptions on a periodic basis to evaluate job functions designated as essential. If there are any questions about the job requirements, they should be directed to your supervisor or manager, or the Human Resources Department.

Requesting a Reasonable Accommodation

An employee with a disability is responsible for requesting an accommodation from the Human Resources Department or his or her supervisor, and providing medical documentation regarding the disability when requested. Once medical documentation is received, the Human Resources Department will work with the employee to identify possible reasonable accommodations and to assess the effectiveness of each in allowing the employee to perform the essential functions of the job, or to enjoy the same benefits and privileges of employment as similarly situated employees without disabilities. Based on this interactive process, a reasonable accommodation will be selected that is most appropriate for both the District and the individual employee. Many of our employees are covered under collective bargaining agreements and the rights of other employees under those agreements must also be considered. While an individual's preference will be considered, the District is free to choose between equally effective accommodations with consideration towards expense and impact on the rest of the organization.

A request for reasonable accommodations may be denied if it would create an undue hardship for the District. Factors to be considered when determining whether an undue hardship exists include: the cost of the accommodations, the District's overall financial resources, the financial resources of the particular facility at which the accommodation is to be made, the number of employees at the facility, the terms of the collective bargaining agreement involved, the total number of employees of the organization, and the type of operation.

Safety

All employees are expected to comply with all safety procedures. The District will not place qualified individuals with disabilities in positions in which they will pose a direct threat to the health or safety of others or themselves. A direct threat means a significant risk to the health or safety of one's self or others that cannot be eliminated by reasonable accommodations. The determination that a qualified individual with a disability poses a direct threat will be made by the Assistant General Manager having supervision

responsibility over that department and the Director of Human Resources and will be based on factual, objective evidence. A written copy of the determination will be given to the employee so that he or she may submit additional information and/or challenge the determination that he or she poses a direct threat.

Confidentiality

All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

Religion

The District will reasonably accommodate the religious observances and practices of an employee or prospective qualified applicant for employment unless such accommodation creates an undue hardship on the conduct of the business. As part of this accommodation, the District will make reasonable accommodations to the religious observances and practices of an employee or qualified prospective employee who regularly observes Friday evening and Saturday, or some other day of the week, as his or her Sabbath, and/or who observes certain religious holidays during the year, and who is conscientiously opposed to performing work or engaging in similar activity on such days, when such accommodations can be made without undue hardship on the conduct of the business. The following factors will be considered: (a) business necessity, (b) financial costs and expenses, and (c) resulting personnel problems. Any employee who requires a religious accommodation should speak to the Human Resource Director.

Sexual Harassment

Purpose

To establish GPMTD's position on Sexual Harassment, to recognize the right of employees, and anyone whose care or security is entrusted to the District to be free from harassment in the workplace and to set forth guidelines for handling violations of the policy.

Scope

This policy applies to all full-time and part-time employees at all locations. Furthermore, management at each location will establish appropriate procedures to ensure that non-employees (vendors, contractors, trades people, etc.) on GPMTD premises are also made aware of the intent of this policy. Employees must not assume that GPMTD is aware of the conduct.

Definitions:

Complainant – A person who makes a complaint of harassment is referred to as the complainant in this policy. The definition of complainant is not limited to a person having the status of employee but may also be any third party. This person does not have to be the target or victim of the sexual harassment. GPMTD cannot assist in stopping the harassment if it is unaware of the problem.

Respondent – A person about whom a complaint of harassment is made is referred to as the respondent in this policy.

Workplace – The workplace includes but is not limited to the actual work site. It may also include the employee's lounge, the bus or the maintenance garage area, training sessions, conferences, business travel, work-related social gatherings, or other location(s) where an employee is engaged in activity associated with employment.

Sexual Harassment – Sexual Harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, making threats of reprisal explicitly or implicitly a term or condition of employment, using coercive sexual behavior to control or affect the career, salary or performance review of another employee or unreasonable interfering with work performance or creating an otherwise offensive working environment.

Sexual harassment can take many forms, including but not limited to the following, sexual innuendo and other suggestive comments, leering, whistling, humor and jokes about sex or gender-specific traits, offensive written notes, sexual advances or propositions, insults, or threats; suggestive or insulting looks, sounds, gestures, pictures, cartoons, or calendars; or intentional touching of the body (e.g., brushing, patting, pinching), kissing, inappropriate display of body parts, or coerced acts of a sexual nature, sexting (electronically sending messages with sexual content, including pictures and videos), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook).

Policy

GPMTD intends to provide a workplace that is pleasant, professional, and free from intimidation, hostility or other offenses that might interfere with work performance. All employees are responsible for treating all persons in the workplace in a manner that is free of harassment and that respects individual differences, changing their own behavior when given indications that the behavior is offensive or harassing to others, taking action, where possible, should they feel they or another person are being subject to sexual harassment, and cooperating fully with all those responsible for dealing with a complaint of sexual harassment.

Procedure

An employee who believes that he or she has been subject to sexual harassment by an employee is encouraged -but not required- to promptly tell the person that the behavior is unwelcome or offensive, explaining how it made you feel and/or how it has affected your work.

If the problem continues despite these efforts, or on the first occasion if the employee so desires, the employee shall report or make a complaint in accordance with GPMTD's Complaint Handling Procedure as defined:

Complaints of any type will be handled through GPMTD's complaint-handling policy, which provides several options by which an employee may initiate action on a job-related complaint. They include:

- The employee's immediate supervisor
- The next higher level of management above the immediate supervisor
- The Human Resource Director
- The General Manager
- The District's Board Chair
- The District's Legal Counsel
- In cases when complaints involve allegations of violations of federal and/or state Equal Employment Opportunity (EEO) or Civil Rights regulations, an investigation may be conducted

by the GPMTD's EEO Officer. Such an investigation may be requested by the complainant or by GPMTD management.

- Illinois Department of Human Rights and EEOC

Retaliation of any sort will not be permitted. No adverse employment action will be taken against any employee making a good faith report of alleged sexual harassment. In addition, any witness will be protected from retaliation.

The State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

- (1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation;
- (2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee; or
- (3) Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

Consequences of False Report

A false report is a report of harassment made by an accuser using the harassment report to accomplish some end other than stopping harassment or retaliation for reporting harassment. A false report is not a report made in good faith that cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action against the person making a false report.

GPMTD is responsible for ensuring that the provisions of this policy are implemented. This responsibility includes ensuring that all managers, supervisors and employees are informed of the policy, providing leadership in the prevention of sexual harassment in the workplace by fostering a climate of mutual respect, monitoring compliance with the policy, ensuring that prompt and appropriate action is taken when he/she becomes aware of instances of harassment, ensuring fair and equitable procedures for all

parties to a complaint of harassment, and taking disciplinary or other corrective measures when necessary.

Consequences of Sexual Harassment

All employees including supervisors and officers, will be subject to discipline, up to and including discharge, for any harassing behavior.

Workplace Harassment

There is “ZERO TOLERANCE” for any form of harassment or discrimination at the District. Not only are intentional acts of harassment prohibited, but also unintentional and careless acts that may contribute to creating a hostile environment for some employees.

We will not tolerate the following actions by anyone at any level:

- Jokes or stories which are sexually offensive or discriminatory as to race, gender, religion, or sexual orientation
- Offensive gestures of a sexual nature
- Unwanted or otherwise inappropriate comments about the physical appearance of another person
- Pictures, cartoons or other illustrations that are sexually explicit or otherwise inappropriate
- Any verbal, non-verbal, physical and visual actions which may be deemed inappropriate
- Vulgar, profane, or offensive language toward others
- Disparaging or derogatory comments or slurs
- Offensive sexual flirtations or propositions

In addition, it is important that all company events and meetings, including meetings with vendors, take place at locations that are conducive and appropriate to the objective of the company’s business and do not offend any employees who may wish to participate.

Observing these policies and valuing the differences of our employees are critical to our success. These policies are not intended to take the enjoyment out of doing our jobs, but rather are intended to promote a harassment free workplace by setting the standard for expected behavior.

Any employee who feels he or she is the victim of workplace harassment or who witnesses unlawful harassment or abuse, whether from management, co-workers, or third parties, shall promptly report the matter to their immediate supervisor or the Director of Human Resources. All such reports shall be promptly and thoroughly investigated. No adverse action or retaliation will be taken or permitted against

any employee who reports issues of workplace harassment. Where allegations of workplace harassment are substantiated, appropriate action will be taken by the District.

Complaint Procedure

It is the policy of the District to prohibit any harassment of, or discriminatory treatment of employees on the basis of race, color, religion, sex, age, national origin, family status, sexual orientation, genetic information, disability or military status. If an employee feels he or she has been subject to such treatment, or has witnessed such treatment, the situation should be reported using the harassment complaint procedure. Any employee found to have engaged in retaliation against an employee for making a request for reasonable accommodation under this policy, registering a complaint under this procedure, or for assisting in the investigation of any registered complaint will be subject to immediate disciplinary action up to and including discharge. However, if after investigating any complaint of harassment or unlawful discrimination, the District learns that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who provided the false information consistent with the District's general rules which prohibit employees from making false reports or complaints on any subject.

The General Manager, Doug Roelfs is the EEO Officer and has overall responsibility for this Equal Employment Personnel Policy. You may contact him via email at droelfs@ridecitylink.org or 309-679-8158. Any person who believes he or she may have been discriminated against in violation of these principles or who observes any discrimination in violation of these principles or who needs a reasonable accommodation should discuss the matter with the Director of Human Resources. If for any reason you do not want to discuss the matter with this individual, you may discuss the matter with the General Manager/EEO Officer or any Director of the company. Any complaints about the personal conduct of the General Manager should be addressed directly to the Chairperson of the Board, who shall notify and forward such complaint to the Board member who is then appointed to handle matters of conflict resolution on behalf of the District Board of Trustees.

Applicants and employees may address any EEO concern through the appropriate grievance procedure under the collective bargaining agreement if they are covered under the collective bargaining agreement, to their Supervisor(s), the Human Resources Department or the Assistant General Manager/EEO Officer. External avenues for complaint resolution are also available through the Federal Transit Administration, the Equal Employment Opportunity Commission and/or the Illinois Department of Human Rights. The U.S. Equal Opportunity Commission (EEOC), 1-800-0669-4000 (toll free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about charge filing is available at www.eeoc.gov. The Illinois Department of Human Rights information is available at <http://www2.illinois.gov/dhr/Pages/default.aspx>. They can be reached at Springfield: 1- (217)-785-5100, TTY: 1- (866)-740-3953.