

RESOLUTION NO. 2021-37

REPEALING CHAPTER 636 OF THE CODIFIED RULES AND REGULATIONS
OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

WHEREAS, pursuant to Resolution No. 1989-176, the Board of Trustees of the Authority codified the resolutions establishing its policies and procedures; and

WHEREAS, the Authority has conducted a review and determined that Chapter 636 Sexual Harassment should be repealed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That Chapter 636 Sexual Harassment is hereby repealed in its entirety.

Section 2. That the Board of Trustees hereby waives the fourteen-day period provided for in Article XI, Section 2 of the Bylaws.

Section 3. That this resolution shall become effective immediately upon its adoption.

Adopted: April 26, 2022



President

Attest: 

Secretary/Treasurer



TITLE/DESCRIPTION: REPEALING CHAPTER 636 OF THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY	Resolution No.: 2022-37
	Date: April 21, 2022
	Initiator: Administration & External Affairs
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 PURPOSE/SCOPE: This resolution will repeal Chapter 636 Sexual Harassment of the Codified Rules and Regulations ("Code") of the Greater Cleveland Regional Transit Authority.
- 2.0 DESCRIPTION/JUSTIFICATION: The Policies and Procedures of the Board of Trustees were codified in 1989, pursuant to Resolution 1989-176. The Code Book is now undergoing a comprehensive review and update so that the Code will conform to the current structure and operations of the Authority. Chapter 636 is no longer needed because the same subject is covered in Section 642.03, which is being updated pursuant to a separate resolution.
- 3.0 PROCUREMENT BACKGROUND: Does not apply.
- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: Does not apply.
- 5.0 POLICY IMPACT: Adoption of the resolution will remove Chapter 636, which is obsolete.
- 6.0 ECONOMIC IMPACT: Does not apply.
- 7.0 ALTERNATIVES: Not adopting this resolution. Not adopting this resolution would result in a Code that contains two conflicting policies on the same subject.
- 8.0 RECOMMENDATION: This resolution was discussed at the April 12, 2022 Committee of the Whole meeting and recommended for consideration by the full Board of Trustees. It is recommended that this resolution be adopted.
- 9.0 ATTACHMENT: A. Red-line of repealed Chapter 636 Sexual Harassment

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.

General Manager, Chief Executive Officer

ATTACHMENT A TO STAFF SUMMARY

CHAPTER 636 Sexual Harassment

~~636.01 — Statement of policy.~~

~~636.02 — Complaint procedure.~~

CROSS REFERENCES

~~Labor standards — see 49 U.S.C.A. 1609~~

~~Sex offenses — see Ohio R.C. Ch. 2907~~

~~Ethnic intimidation — see Ohio R.C. 2927.12~~

~~Threatening or harassing telephone calls — see
Ohio R.C. 2917.21; 4931.31~~

~~636.01 — STATEMENT OF POLICY.~~

~~(a) — Federal and State law provides that it shall be an unlawful discriminatory practice for any employer, because of the sex of any person, to discharge without just cause, to refuse to hire or otherwise to discriminate against that person with respect to any matter directly or indirectly related to employment. Harassment of any employee on the basis of sex violates the law.~~

~~(b) — It is the policy of the Greater Cleveland Regional Transit Authority that sexual harassment in the workplace is unacceptable and will not be tolerated.~~

~~(c) — To help clarify what sexual harassment is, the Federal Equal Employment Opportunity Commission has issued guidelines on the subject. Those guidelines state that unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature will constitute sexual harassment when:~~

~~(1) — Submission to sexual conduct is an explicit or implicit term or condition of an individual's employment;~~

~~(2) — Submission to or rejection of sexual conduct by an individual is the basis for any employment decision affecting that individual; or~~

~~(3) — Sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment. Sexual harassment can be committed by a person of either sex against a person of the opposite or same sex, can occur in any workplace relationship and can occur during or outside of work hours. Sexual harassment can include, but is not limited to, sexually oriented jokes or comments and verbal "kidding" or "teasing", gender biased comments, subtle pressure for~~

~~sexual activity, physical contact such as patting, pinching or brushing against another's body, and sexually explicit or suggestive posters, calendars or other publications in the workplace.~~

~~(d) The Authority will not tolerate any form of sexual harassment or gender discrimination in the workplace, including acts of non employees. Disciplinary action shall be taken promptly against any and all employees, including all employees with supervisory responsibilities, engaging in sexual harassment and/or gender discrimination.~~

~~(e) All employees of the Authority (management and non management) are expected to avoid any behavior or conduct toward any other employee that could be interpreted as sexual harassment and/or gender discrimination.~~

~~(f) All management and supervisory personnel shall notify the Authority's Office of Small Business and Employment Opportunity immediately upon becoming aware of sexual harassment or gender discrimination.~~

~~(g) Employees are encouraged to consult the Affirmative Action Counselor assigned to their department and shall directly contact the Office of Small Business and Employment Opportunity should they have any questions related to sexual harassment and/or gender discrimination or wish to confidentially discuss a situation related to sexual harassment and/or gender discrimination. The Office of Small Business and Employment Opportunity will formally investigate all allegations. (Res. 1999-11. Passed 1-19-99.)~~

~~636.02 COMPLAINT PROCEDURE.~~

~~The following complaint procedure is applicable to situations where an employee believes that he or she has been subjected to sexual harassment and/or gender discrimination at the workplace:~~

~~(a) Filing a Complaint. Any employee who feels he or she has been the victim of sexual harassment and/or gender discrimination shall contact the Authority's Office of Small Business and Employment Opportunity at (216) 566-5044 immediately upon the occurrence of the incident. This report can be oral or written, but a written and signed statement of the complaint must be submitted to the Office of Small Business and Employment Opportunity at 1240 West 6th Street, Cleveland, Ohio 44113, by the complaining employee as soon as practicable, but not to exceed five working days from the occurrence of the incident.~~

~~(b) Filing a Response. Upon notice of the initial report, the Office of Small Business and Employment Opportunity will contact the person who allegedly engaged in the sexual harassment and/or gender discrimination and inform him or her of the basis of the complaint and afford the individual the opportunity to~~

~~respond. That person will then be required to fill out a written statement as soon as practicable, but not to exceed five working days.~~

~~If the person against whom the complaint of sexual harassment is filed fails to respond to the complaint, the complaint will be taken as true, and the appropriate disciplinary measure will be taken.~~

~~(c) Investigation. An investigation is immediately initiated by the Office of Small Business and Employment Opportunity upon receipt of any report of sexual harassment and/or gender discrimination. This investigation includes, but is not limited to, the interviewing of witnesses or any other person who may have information regarding the alleged harassment.~~

~~(d) Confidentiality. Every effort will be made to ensure the confidentiality of the investigation. However, due to the nature of the investigation, complete confidentiality cannot be guaranteed. The employees involved are, however, expected to maintain confidentiality. Moreover, the confidential files will be maintained in a secure locked location in the Office of Small Business and Employment Opportunity.~~

~~(e) Protection Against Retaliation. This Policy prohibits retaliation in any way against anyone who has complained in good faith about discrimination or harassment, whether the complaint relates to conduct directed at that individual or another. Any person found to have retaliated against another individual for reporting discrimination or harassment will be subject to the same disciplinary process provided under this policy.~~

~~(f) Determination of Disciplinary Action; Results of Investigation. All matters concerning discipline in connection with sexual harassment will be reviewed by a committee comprised of Legal, Labor Relations and Office of Small Business and Employment Opportunity representatives, who will be responsible for determining appropriate disciplinary action. Such determination shall be made in consultation with the supervisor or applicable department director. In the event consensus cannot be reached by the committee, the matter will then be referred to the General Manager/Secretary Treasurer.~~

~~The person filing the complaint and the person alleged to have committed the offense shall be informed of the results of the investigation.~~

~~(Res. 1999-11. Passed 1-19-99.)~~