



COMMISSION RECOMMENDATION
HUMAN RIGHTS COMMISSION

Recommendation Number: 20151123-4a: Alleged Disparate Treatment of Women at the City of Austin

WHEREAS, the Commission opposes discrimination in employment and seeks to encourage any employee experiencing discrimination in the workplace, including employees of the City of Austin (“City”), to promptly report that conduct to their employer; and

WHEREAS, three women employed by the City (“Complainants”) appeared before the Commission on May 27, 2015 and September 28, 2015 alleging that they have suffered discrimination in their employment based on their sex; and

WHEREAS, a union representative (“Union Representative”) appeared before the Commission on May 27, 2015 and read letters sent to her by two anonymous female City employees (“Anonymous Employees”) who asserted they also suffered discrimination in employment based on their sex; and

WHEREAS, two of the Complainants and one of the Anonymous Employees were critical of specific City trainings which allegedly promulgated negative stereotypes of women and thereby perpetuated a workplace culture they claim is harmful to women; and

WHEREAS, the Complainants, Union Representative, and Anonymous Employees collectively criticized the City’s anti-discrimination training and enforcement regime, alleging that women who complain of discrimination are targeted as troublemakers, while their complaints are not properly investigated or resolved; and

WHEREAS, members of the Commission have reviewed the City of Austin Personnel Policies for Non-Civil Service Personnel and for Civil Service Firefighters and Police Officers (collectively “City Personnel Policies,” copy annexed hereto at Exhs. A and B) as well as the City Department Personnel Action and Employee Relations Protocols (“Protocols,” copy annexed hereto at Ex. C) and found provisions within them which could be improved upon;

NOW THEREFORE, BE IT RESOLVED, that the Commission recommends that the Austin City Council direct the City Manager to immediately retire the vignette within the current City ethics training module whereby female City employees are portrayed as commandeering a workplace conference room in order to sell beauty products and thereafter review all current and future ethics vignettes to verify that no other vignette reflects stereotypical views of any group of persons protected by the City Code, Texas Labor Code, or applicable federal anti-discrimination statutes.

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Commission recommends that the Austin City Council direct the City Manager to immediately conduct a comprehensive (“Review”) of all City anti-discrimination policies and protocols, particularly those contained within the Personnel Policies and Protocols. The Commission suggests the following areas be considered:

1. Updating the definitions of discrimination, harassment (including sexual harassment), and retaliation found within the Personnel Policies; and
2. Providing guidance for City employees seeking accommodation of physical or mental disabilities; and
3. Simplifying and clarifying the process by which City employees may make discrimination/harassment/retaliation complaints; and
4. Clarifying the process by which the City shall investigate its employees’ complaints; and
5. Providing investigation procedures and/or protocols; and
6. Providing an anonymous complaint mechanism; and
7. Clarifying the interplay between discrimination/harassment/retaliation reporting and discipline grievance.

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Commission recommends that the Austin City Council direct the City Manager to deliver its Review to the Commission prior to its February 2016 meeting and to appear at that meeting, so that members of the Commission may ask the City Manager questions about the Review at that meeting and may submit any further recommendations thereafter.

Date of Approval: November 23, 2015

Record of the vote: Motion by Commissioner Brown, seconded by Commissioner Miguez, adopted 9-0-1; Commissioner Miller abstained, and Commissioner Yang absent.

Attest: Jonathan Babiak
Jonathan Babiak, Human Rights Commission Liaison

City of Austin Human Resources Department