

EQUAL EMPLOYMENT OPPORTUNITY & WORKPLACE ACCOMODATIONS

Revised June 2023

SECTION: 2

A. EQUAL EMPLOYMENT OPPORTUNITY

Tooele City's goal is to foster a workplace culture that values diversity and provides equal opportunities in all aspects of employment. To help achieve this, all employees are expected to comply with:

1. Title VII of The Civil Rights Act of 1964, as amended, the Age Discrimination Act, as amended, and the Utah Antidiscrimination Act, as amended, and not discriminate in employment opportunities or practices on the basis of: race, color, religion, sex, pregnancy, pregnancy-related conditions, childbirth, national origin, age, if the individual is 40 years of age or older, gender identity, or sexual orientation;
2. The Equal Pay Act and not base pay decision on the basis of race, color, religion, sex, national origin, age, or disability. Tooele City policies provide those employees be compensated on the basis of equal pay for equal work;
3. The Americans with Disabilities Act of 1990 (ADA), as amended, and the Utah Antidiscrimination Act, as amended, and not discriminate against any individual with a disability in the admission or access to, employment, work programs, or activities;
4. The Genetic Information Nondiscrimination Act of 2008 (GINA) and not use genetic information of an individual in the hiring process or to affect the terms, conditions, privileges, benefits, or termination of employment unless there is a legitimate job related need that is consistent with business necessity or as otherwise mandated by law. Tooele City will not require collection or disclosure of genetic information prior to a conditional offer of employment. "Genetic information" is information about genes, gene products or inherited characteristics that may derive from the individual or a family member;
5. The Uniform Services Employment and Reemployment Rights Act and not deny initial employment, reemployment, promotion, or any benefit of employment to a person who is obligated to perform in a uniformed service;
6. Titles VI and VIII of the Civil Rights Act of 1964 and not excluded individuals from participating in, be denied the benefits of, or be otherwise subjected to discrimination on the grounds of race, color, or national origin, under any program or activities for which Tooele City has received any federal financial assistance; and,
7. Any other law that provides for non-discrimination or equal opportunity.

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B. WORKPLACE ACCOMODATIONS

1. Tooele City provides reasonable workplace accommodations in the following circumstances:
 - a. **Religious Accommodation.** Tooele City respects the sincerely held religious beliefs and practices of all employees and will make, on request, a reasonable accommodation(s) for such observances when a reasonable accommodation is available and does not create an undue hardship for the City. *Title VII & Utah Antidiscrimination & Workplace Accommodation Act*
 - b. **Disability Accommodation.** Tooele City recognizes some qualified individuals with disabilities (meaning the employee has a mental or physical impairment substantially limiting one or more of the major life activities) may need reasonable accommodation to perform the essential functions of his/her position, to make the workplace readily accessible and usable for the employee, or to otherwise allow the employee to enjoy equal benefits and privileges of employment. Tooele City will make, on request, a reasonable accommodation when doing so does not create an undue hardship to the City. *Americans with Disabilities Act, as amended*
 - c. **Pregnancy Accommodation.** Tooele City will make, on request, a reasonable accommodation(s) to qualified individuals related to pregnancy, childbirth, or related conditions when a reasonable accommodation is available and does not create an undue hardship for the City. *Utah Antidiscrimination & Workplace Accommodation Act & Federal Pregnant Workers Fairness Act (PWFA)*
 - d. **Breastfeeding Accommodation.** Unless compliance would create an undue hardship, Tooele City will, on request, provide for at least one year after the birth of a public employee's child: reasonable breaks (see Section herein for information regarding paid vs. unpaid break) for each time the public employee needs to breast feed or express milk; a room or other location, other than a bathroom or toilet stall, that is clean and sanitary, provides privacy shielded from view of and intrusion from coworkers or the public, and that has an outlet; and a reasonable means of storage. The City is not required to permit an employee to have the employee's child at the workplace for purposes of accommodation. *Utah Antidiscrimination & Workplace Accommodation Act and Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act*
2. To request an accommodation consideration, employees should discuss the circumstances with his/her supervisor or contact the City's Human Resource Director to begin the discussion/interactive process. This may include discussing specific needs, limitations, and possible accommodations that may be needed. Tooele City reserves the right to require documentation or more information to

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assist us in evaluating accommodation requests including, but not limited to, verification from religious leaders or medical providers; guidance from job accommodation consultants and advocates; and tools available under the Family and Medical Leave Act including obtaining 1st, 2nd, and 3rd opinions.

C. FEDERAL CONTRACTS

In employing persons to carry out a federal contract, Tooele City, when contracting with the United States, will take affirmative action to employ and advance in employment qualified disabled individuals and qualified disabled veterans and veterans of the Vietnam era.

D. FILING A COMPLAINT OF DISCRIMINATION OR FAILURE TO REASONABLY ACCOMMODATE WITH TOOELE CITY

1. An employee who believes he/she has been discriminated against or that the City has failed to provide a reasonable accommodation in violation of this Section or law may file a discrimination complaint with Tooele City pursuant to Tooele City's Grievance Procedure herein this Manual; or,
2. An employee who believes that the nature of the complaint is harassment or retaliation may instead choose to file a complaint pursuant to Tooele City's Anti-Harassment policy (i.e. Sexual and Other Forms of Harassment) herein this Manual.