

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR RESOLUTION NO. 230220

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Directing the City Manager to implement actions to improve issues regarding equal employment opportunity in all City departments.

WHEREAS, actions can and should be taken to improve perceptions of how City departments handle the issues of equal employment opportunity; and

WHEREAS, the City desires to ensure safe working conditions for all City employees free from discrimination, racism, harassment, sexism, homophobia, microaggressions, and fear of retaliation; and

WHEREAS, City employees have expressed issues stemming from long-standing cultural issues within the Kansas City Fire Department; and

WHEREAS, City employees have also expressed that the EEO investigation process is inefficient, ineffective and is unlikely to aid in conflict resolution; and

WHEREAS, minority and non-minority employees have expressed fear of retaliation for reporting incidents of harassment and discrimination; and

WHEREAS, the City aims to remove any conflicting roles that result in the representation of a bargaining unit member who may have experienced discrimination, harassment or retaliation at the hands of another bargaining unit, when the member accused of wrongdoing is being represented by the same bargaining unit; and

WHEREAS, the City desires to improve completion times and the thoroughness of EEO investigations; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

That the Council directs the City Manager to implement the following actions within 180 days:

1. Have a regular and systematic annual dissemination of the City's policies prohibiting discrimination, harassment and retaliation. All City employees should receive copies of these policies annually and be required to acknowledge receipt of and knowledge of the contents of the policies.

2. ~~Amend the City policies prohibiting discrimination, harassment and retaliation to be directive as opposed to suggestive regarding reporting observed or experienced discrimination, harassment or retaliation.~~

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~~53.~~ Engage in specific efforts to create a “speak up” culture in the Fire Department and all other City departments, with all City employees in leadership roles required to be trained to and directed to combat EEO issues “in the moment.”

~~64.~~ Have regular in-person Fire Department training sessions on the EEO Policy. Trainers should have intimate knowledge of how the Fire Department functions. Training shall be a part of any new hire orientation. Fire Department personnel shall be required to attend mandatory in-person training no less than once every two years. The training must reinforce the City’s no tolerance policies.

~~75.~~ Have additional anti-racism, diversity, equity, inclusion, and cultural competency training for all City employees. Any training must focus on legal compliance and must be designed to change behavior.

~~8.~~ ~~Create a new commitment to “no tolerance” and real discipline for EEO Policy violations. Discipline shall go beyond a “slap on the wrist” or transfers to other departments, divisions or fire stations.~~

~~6.~~ Implement EEO Policy improvements, including ensuring the proper staffing to handle these processes and the completion of investigations within 60 days.

~~107.~~ Implement the following steps to improve completion times:

- By policy, set a presumptive outer limit of 60 days to complete and close an investigation, with reporting obligation due from investigator to manager on day 50; if the investigation cannot be closed by day 60, submit a stated plan for completion and timing;
- Evaluate investigators on time-to-complete metrics as part of performance management process;
- Require the manager of the investigator group to keep a running timeline on all open, pending investigations;
- By policy, establish that a raiser of concerns and any necessary investigation witnesses shall be released from duty with pay for interviews;
- Consider opportunities to take statements/interview non-critical witnesses on duty during downtime at their stations;
- Consider the use of virtual, online platforms for conducting certain interviews when the alignment of schedules is difficult; and

~~Consider recording critical interviews;~~

- Set an action item of creating a comprehensive set of investigation guidelines, procedures and protocols;
- Standardize forms such as intake letters, correspondence to involved individuals,- interview outlines, closure letters and other templates;
- Standardize the form, content and substance of each investigation file, such as the format of file, contents and which documents should be requested and preserved in a file;
- Develop protocol for investigation file maintenance, retention and access;
- Develop a training plan for current and new investigators; and
- Manage investigator performance against compliance with new procedures.

129. Implement the following steps to improve the thoroughness of investigations:

- As attrition of investigators happens in the EEO Division, recruit candidates for open positions that have investigation backgrounds (law enforcement, prior agency investigators, EEO investigators, human resources professionals, etc.);
- Develop a training plan for current and new investigators;
- Research in-depth training programs to upgrade the skills profile of current EEO Division investigators (EEO laws and requirements, investigation and witness questioning skills);
- Consider partnering with City law enforcement for some cross-over and investigatory skills training to improve investigation skills;
- Standardize interview outline expectations and forms;
- Require managers to audit investigation files for planning, thoroughness and documentation; and
- Manage investigator performance against expectations for thorough and quality investigations.

130. Consider whether any changes can be made to the City's Collective Bargaining Agreements regarding EEO Policy investigations and work toward making such changes to address union conflicts and influence on investigations. Changes should consider that not all investigation interviews require union representation. An employee accused of an EEO investigation should not be entitled to detailed information regarding the report prior to the interview.

~~14~~11. Eliminate bid pre-calls and bid blocks in the Fire Department. Fire Department shall emphasize that an employee's choice of where to bid is the employee's choice and only position qualification and seniority will control where an employee will be assigned.

~~15.~~ ~~Emphasize the selection of~~

12. Train Fire Academy instructors that recognize the importance of the EEO Policy and identify who will work to address the issues raised by such Policy.

~~16~~13. Make changes to accommodate privacy issues in all fire stations and allocate the required financial resources from the Capital Improvement Fund to ensure all fire stations have safe and equitable shower and bathroom facilities for all Fire Department employees working at those stations.

~~17~~14. Investigate Fire Stations with a high turn-over rate to determine why there is such high turn-over and take steps to increase turnover at low turn-over stations to expand experience and opportunities for movement into leadership.

~~18~~15. Provide tutoring and mentorship programs to young cadets in the Fire Academy who are seeking assistance, and budget additional funding to achieve these goals.

~~19~~16. Increase recruiting efforts in minority communities and create additional FTEs devoted to these recruitment efforts.

~~20~~17. Conduct a City-wide professionally managed, anonymous employee survey on EEO issues ~~to~~ further identify issues of concern regarding such issues.
