



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Mayor/Council's Office

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

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

Discussion

The fiscal impact of this legislation is indeterminable at this time.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No

2. What is the funding source?

N/A

3. How does the legislation affect the current fiscal year?

N/A

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

N/A

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

N/A

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No



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2. This fund has a structural imbalance.

Yes No

Additional Discussion (if needed)

N/A

Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Finance and Governance (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Reform the City's economic incentives to meet the policy objectives of the City Council
- Ensure the resiliency of City government
- Engage in workforce planning including employee recruitment, development, retention, and engagement
- Ensure a responsive, representative, engaged, and transparent City government
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Prior Legislation

N/A.

Service Level Impacts

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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3. Have communications made from the City and Fire Department leadership requiring reporting of equal employment opportunity (EEO) policy violations. City communications should emphasize the seriousness of the matter and that employees need not report these issues through the normal chain of command.
4. Revamp the reporting tools for reporting of equal employment opportunity policy violations. The City shall institute new, user-friendly, web-based anonymous reporting tools.
5. 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.”
6. 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.
7. 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.
9. Research and study the EEO Policy and its provisions on investigations, process and procedures, determine whether any improvements can be made to such Policy, and implement such improvements, including ensuring the proper staffing to handle these processes and the completion of investigations within 60 days.
10. 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;



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- 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;

 - Consider recording critical interviews;

 - If the raiser of concerns/reporter does not request union representation, consider proceeding with the initial intake interview with just the reporting party, and if current bargaining agreements terms do not permit this, bargain for revised language allowing it; and

 - If a witness is not the subject of the reporting party's report or complaint and the interview will not result in discipline to that witness, consider proceeding without union representation; if the current bargaining agreements do not permit this, bargain for revised language allowing it.
11. Implement the following steps to improve the investigation process:
- 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;



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- 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.
12. 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;
 - Manage investigator performance against expectations for thorough and quality investigations.
13. 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. 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 Fire Academy instructors that recognize the importance of the EEO Policy and who will work to address the issues raised by such Policy.
16. 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



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17. 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. 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. Increase recruiting efforts in minority communities and create additional FTEs devoted to these recruitment efforts.
20. Conduct a City-wide professionally managed, anonymous employee survey on EEO issues to further identify issues of concern regarding such issues.

Other Impacts

1. What will be the potential health impacts to any affected groups?
N/A
2. How have those groups been engaged and involved in the development of this ordinance?
N/A
3. How does this legislation contribute to a sustainable Kansas City?
N/A
4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

Actions can and should be taken to improve perceptions of how City departments handle the issues of equal employment opportunity. The City desires to ensure safe working conditions for all City employees free from discrimination, racism, harassment, sexism, homophobia, microaggressions, and fear of retaliation. City employees have expressed issues stemming from long-standing cultural issues within the Kansas City Fire Department; and City employees have also expressed that the EEO investigation process is inefficient, ineffective and is unlikely to aid in conflict resolution; and minority and non-minority employees have expressed fear of retaliation for reporting incidents of harassment and discrimination. 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 the City desires to improve completion times and the thoroughness of EEO investigations.



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5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A