NONDISCRIMINATION

POLICY

The Honolulu Police Department (HPD) is committed to creating a nondiscriminatory environment where each employee and prospective employee is treated with respect and fairness. The HPD will not tolerate or condone any form of unlawful discrimination, harassment, or retaliation. Discrimination, including harassment and retaliation, is prohibited by this policy and federal, state, and local laws.

This policy covers and is applicable to all HPD employees and prospective employees. Employees include sworn and civilian personnel, contract hires, interns, reserve officers, volunteers, and/or any person who performs work for the HPD.

PROCEDURE

I. DEFINITION

Discrimination: Unfair or unequal treatment in employment practices based on a person's protected class.

Harassment: Unwelcome behavior based on a person's protected class which is sufficiently severe or pervasive to and has the purpose or effect of either unreasonably interfering with the person's work performance or creating an intimidating, hostile, or offensive work environment.

Manager: An employee in charge of a division-level or higher level element or an officer at the rank of captain or above.
Protected classes: Race, age, religion, color, national origin, ancestry, disability, sex (including gender identity and gender expression), sexual orientation, pregnancy and pregnancy-related medical conditions, breastfeeding or expressing of milk, genetic information (including family medical history), marital or civil union status, arrest and court record (except as permitted by applicable laws), income assignment for child support, national guard participation, veteran status, citizenship (except as permitted by applicable laws), credit history or credit report (unless directly related to a bona fide occupational qualification), domestic or sexual violence victim status, reproductive health decision, and any other characteristic or classification protected under federal, state, or city employment discrimination law.

Retaliation: An adverse action taken in response or in an attempt to prevent an individual from engaging in protected activity.

Supervisor: An employee who holds the rank of sergeant/detective or above or is formally charged/authorized with the responsibility of supervising other employees.

II. RESPONSIBILITIES

A. INDIVIDUAL RESPONSIBILITIES

HPD employees shall:

1. Hold themselves to the highest ethical and conduct standards and comply with all federal, state, and local laws, and policies relating to discrimination;

2. Not engage in discrimination or harassment against other employees or prospective employees;

3. Maintain an environment that promotes equal employment opportunities and prohibits discriminatory practices; and
4. Be prohibited from engaging in conduct that is based upon discriminatory inferences or assumptions.

B. SUPERVISORY RESPONSIBILITIES

1. As representatives of management, supervisors shall be held to a higher standard of accountability if they engage in discrimination or are aware of any discriminatory behavior by HPD personnel and fail to take the required responsive action, including discipline as appropriate.

2. Supervisors shall ensure compliance with this policy. All actions or inactions by supervisors will be examined to ascertain the extent of their efforts to control discriminatory behavior.

3. A supervisor who is aware of discriminatory conduct in another element shall notify the respective commander (division level or higher) of the involved HPD employee(s).

4. Supervisors shall take immediate action to stop any violation they witness and report it to the Human Resources Division (HRD).

5. It is the responsibility of all commanding officers and supervisors to take the necessary steps, including training and appropriate disciplinary action, to ensure and maintain an environment that is free from discrimination.
III. COMPLAINT PROCEDURE

A. A departmental employee or prospective employee may make a complaint verbally or in writing. Complaints may be made to the immediate supervisor or the supervisor at the next higher level if the immediate supervisor is the alleged offender.

B. Complaints may also be reported to the commander of the HRD, the Chief of Police, or the city's equal opportunity officer.

C. All complaints shall be referred to the HRD for review and investigation, as appropriate.

D. Investigations, including appropriate dispositions, shall be in accordance with sections IV and V of Policy 5.01, COMPLAINTS AND INTERNAL INVESTIGATIONS.

E. Employees or prospective employees who have questions or concerns may also contact the Hawaii Civil Rights Commission (HCRC) and/or Equal Employment Opportunity Commission (EEOC). See the Attachment for contact information for both commissions.

IV. DISCIPLINARY ACTIONS

A. HPD employees who are found to have engaged in discriminatory conduct in violation of this policy shall be subject to appropriate responsive action including, if warranted, disciplinary action up to and including termination. Any disciplinary action shall be imposed in accordance with applicable collective bargaining agreements, Civil Service Rules, and/or laws.

B. A supervisor or manager who fails to stop discriminatory conduct may be subject to disciplinary action.
V. NONRETAILIATION

A. There shall be no retaliation against an employee or prospective employee who has complained of discrimination, harassment, retaliation, conducted an investigation of a complaint, or acted as a witness during an investigation of a complaint. Retaliatory conduct constitutes a separate violation and shall be dealt with promptly by management.

B. An employee who retaliates against another employee or prospective employee shall be disciplined in accordance with the provisions of this policy. If the employee to be disciplined is covered by a collective bargaining agreement, the disciplinary actions shall comply with that agreement.

VI. TRAINING

A. The commander of the Training Division shall ensure that the content of this directive is incorporated into the basic recruit training curriculum, as well as provide in-service training regarding discrimination and/or related courses.

B. HPD employees shall receive nondiscrimination training no later than 30 days from the first day of hire.

C. Element commanders shall ensure that all in-service and roll call training is consistent with this policy.
VII. ADMINISTRATIVE REVIEW

The Professional Standards Office shall conduct an annual review of the HPD's policy and practices pertaining to nondiscrimination.

Attachment

Post on bulletin board for one month

SUSAN BALLARD
Chief of Police
EXTERNAL AGENCIES

For information about employment discrimination or to file a complaint, employees and prospective employees may contact:

1. **Hawaii Civil Rights Commission (HCRC)**
   830 Punchbowl Street, Room 411
   Honolulu, Hawaii 96813
   Telephone: (808) 586-8636
   State Toll free: 1 (808) 468-4644, extension 6-8636
   Filing limitation: within 180 calendar days of the incident; or

2. **Equal Employment Opportunity Commission (EEOC)**
   Prince Kuhio Federal Building
   300 Ala Moana Boulevard, Room 7123-A
   P.O. Box 50082
   Honolulu, Hawaii 96850
   Telephone: (808) 541-3120
   Filing limitation: within 300 calendar days of the incident