

# GENERAL ORDER



## DISTRICT OF COLUMBIA

<b>Title</b>		
<b>Equal Employment Opportunity</b>		
<b>Topic</b>	<b>Series</b>	<b>Number</b>
<b>PER</b>	<b>201</b>	<b>09</b>
<b>Effective Date</b>		
<b>June 23, 2023</b>		
<b>Replaces:</b>		
GO-PER-201.09 (Equal Employment Opportunity), Effective Date February 17, 2005		
<b>Rescinds:</b>		
CIR-08-02 (Designation of the Office of Disability Rights as the EEO Counselor for Employees with Disabilities), Effective Date July 17, 2008		

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### I. PURPOSE

The Metropolitan Police Department (MPD) recognizes that employees come from many different backgrounds with unique experiences and perspectives. MPD is committed to fostering an environment of inclusion so that every employee feels seen, heard, valued, and understood while providing a workplace free of any demeaning, derogatory, or abusive language, actions, or gestures. This kind of diversity strengthens the department and contributes to a work environment free from harassment, abuse and intimidation. The purpose of this policy is to establish the department's commitment to equal employment opportunity (EEO) and describe the policies, objectives, procedures, and responsibilities involved in promoting and executing an effective EEO program. The department's affirmative action plan is also provided.

### II. PROCEDURES

#### A. Unlawful Discrimination

1. MPD is an equal opportunity employer and shall be an environment where all employees can perform their work free from unlawful discrimination pursuant to [DC Official Code § 2-1402.11 \(Prohibitions\)](#). MPD prohibits, and will not tolerate, any form of unlawful discrimination. Such conduct may result in disciplinary action as necessary, up to, and including, termination of employment. The following types of discrimination are prohibited by law, even if the conduct was not specifically intended to be offensive to anyone and/or the employee to whom it is directed is not personally offended.

Unlawful Discrimination	Description
Disparate treatment	<p>Different treatment of an employee because of the employee’s protected trait (e.g., race, gender) with regard to an employment action (e.g., hire, promotion, discipline, termination), or term or condition of employment. The DC Office of Human Rights (OHR) defines protected traits for people who work in the District of Columbia at <a href="https://ohr.dc.gov/protectedtraits">https://ohr.dc.gov/protectedtraits</a>.</p>
Harassment and sexual harassment – hostile work environment	<p>A hostile work environment can be caused by:</p> <ul style="list-style-type: none"> <li>• Harassment (non-sexual): Conduct based on one or more protected characteristics, whether direct or indirect, verbal or nonverbal, that unreasonably alters an individual's terms, conditions, or privileges of employment or has the purpose or effect of creating an intimidating, hostile, or offensive work environment.</li> <li>• Sexual harassment: Harassment of a sexual nature and/or sexual advances, requests for sexual favors, or other conduct of a sexual nature where submission to the conduct is made either explicitly or implicitly a term or condition of employment or where submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual's employment.</li> </ul>
Failure to provide a reasonable accommodation	<p>A reasonable accommodation is any modification or adjustment to a job, employment practice, or the work environment, that makes it possible for an individual to enjoy equal employment opportunity and perform the essential function of his or her job.</p> <ul style="list-style-type: none"> <li>• An employer must reasonably accommodate the religious practices of an employee or prospective employee, unless the employer demonstrates that the accommodation would result in undue hardship on the agency.</li> <li>• Any employer must provide a reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship on the agency.</li> </ul>
Failure to offer DC Family Medical Leave Act (FMLA)	<p>Eligible employees can take up to 16 weeks (640 hours) of family leave plus 16 weeks of medical leave in any 24-month period.</p> <ul style="list-style-type: none"> <li>• Family leave: Eligible circumstances include the birth of a child, adopting a child, or caring for a child in foster care. Caring for a seriously ill family member is also eligible.</li> <li>• Medical leave: Eligible circumstances include recovering from a serious illness rendering the employee unable to work.</li> </ul> <p>Retaliation against an employee for attempting or using the DC FMLA benefit is prohibited. This includes, but is not limited to termination, demotion, shift in primary duties and responsibilities, and/or any change to pay, status, or terms of employment.</p>
Retaliation	<p>Employers are prohibited from retaliating because an individual engaged in EEO protected activity. Retaliation occurs when an employer takes a materially adverse action because an individual has engaged in, or may engage in, activity in furtherance of EEO laws. Employees are protected from retaliation or adverse action by their agency if they are engaged in:</p> <ul style="list-style-type: none"> <li>• The EEO complaint process; and/or</li> <li>• Expressed opposition to a discriminatory employment practice.</li> </ul> <p>An employee is protected as long as the employee has a reasonable and good faith belief that the employer's conduct is illegal, even if it turns out that the employee was mistaken as to the legality of the employer's conduct.</p>

2. Employees shall be courteous, civil, and respectful to persons when on duty and in the workplace environment. Employees shall not use terms or resort to name-calling that might be interpreted as derogatory, disrespectful, or offensive to the dignity of any person in all verbal expressions; in-person and remotely via telephone, radio, written communication, social media, or text messages.
  - a. Employees shall not engage in idle conversation, tell jokes, or make comments that relate to an individual's protected traits.
  - b. MPD prohibits discrimination not just because of one protected trait but also because of the intersection of two or more protected traits (e.g., MPD prohibits discrimination against black/African-American women even if there is no demonstrated discrimination against white women or black/African-American men).
3. Officials, managers, and supervisors shall maintain an environment free of harassment. Supervisory employees shall not condone, or otherwise enable, the discriminatory acts of employees or non-employees against MPD employees in the workplace.
  - a. The workplace environment extends to any place the employee, while in the performance of his or her official duties, has a lawful right to be. Supervisors and managers shall ensure that **all** employees are treated according to the guidelines in this order.
  - b. MPD employees shall immediately report to supervisory personnel and the MPD Chief Equity Office any conduct that occurs in their presence, or is brought to their attention, that could be construed as unlawful discrimination pursuant to this order, regardless of whether there has been a complaint made by the affected employee.
  - c. When an official, manager, or supervisor witnesses, or is made aware of discriminatory or harassing conduct that could be construed by a reasonable person as discriminatory, that official shall take **immediate action** to correct the offending party and notify the MPD Chief Equity Office, as soon as practicable.
4. There are different options for reporting allegations of discrimination outlined in this order. All complaints shall be considered confidential personnel information.
  - a. Employees may seek resolution internally with MPD through informal counseling with an OHR-certified EEO counselor and/or by contacting the MPD Chief Equity Office.
  - b. Employees may file an external legal EEO complaint with OHR (pursuant to the [OHR website](#)) or an applicable federal agency,

and/or by filing a civil complaint in court as outlined in this order.

**B. Informal Resolution**

Members seeking resolution through the informal counseling process shall do so according to the following procedures.

<b>Informal Resolution Process</b>	
Step One	<p>The employee reports the complaint by consulting a certified EEO counselor from the <a href="#">OHR list of EEO counselors</a>.</p> <ol style="list-style-type: none"> <li>1. OHR maintains a list of all EEO counselors on their <a href="#">website</a>. Counselors on this list are from MPD and other District of Columbia agencies.</li> <li>2. This consultation must occur within 180 calendar days of the discriminatory action or discovery of discrimination [an exception to the counseling requirement and the 180-day rule exists for sexual harassment and DC FMLA complaints which must be filed within one year of the alleged incident and may be filed directly with OHR. Information specific to sexual harassment and DC FMLA complaints can be found in this order.</li> <li>3. The EEO counselor initiates the informal resolution process by conducting an initial interview with the employee.</li> <li>4. The EEO counselor will notify the MPD Chief Equity Office of all counseling requests (both inside and outside of MPD).</li> <li>5. MPD counselors who become aware of allegations of misconduct during the counseling process shall notify IAD as soon as practicable and shall immediately cease the EEO counseling process.                         <ol style="list-style-type: none"> <li>a. The MPD counselor shall inform the employee of the counselor’s obligation to report the alleged misconduct.</li> <li>b. IAD shall initiate an administrative investigation pursuant to <a href="#">GO-PER-120.20 (Administrative Investigations)</a>.</li> <li>c. Any allegations of misconduct against an IAD member shall be reported directly to the MPD Chief Equity Office rather than IAD.</li> </ol> </li> </ol>
Step Two	<p>The EEO counselor facilitates the informal resolution process.</p> <ol style="list-style-type: none"> <li>1. This process is not an investigation, but a review of the circumstances and an attempt at an informal resolution for matters that do not constitute misconduct.</li> <li>2. The EEO counselor has 30 calendar days to work with the employee to hear the facts of the case, gather information, review documents, and seek an informal resolution. Employees engaged in the informal resolution process shall make a good faith attempt to engage in this process by providing possible resolution options to the EEO counselor.</li> <li>3. At any stage of the process the employee has the right to be accompanied, represented, and advised by legal counsel or a union representative of the employee’s choosing.</li> </ol>
Step Three	<p>The EEO counselor concludes the informal resolution process within 30 calendar days.</p> <ol style="list-style-type: none"> <li>1. The EEO counselor will conduct a final counseling interview and provide the employee with an exit letter. The exit letter outlines the claims reported by the employee, any matters referred to IAD, all attempts made to resolve the matter, and a notice of the right to file a legal complaint with OHR within 15 calendar days of receiving the exit letter if the matter has not been resolved to the employee’s satisfaction.</li> <li>2. The 30-day counseling period may be extended for 30 additional days for good cause. In cases where there is a 30-day extension period, a complainant may, at any time during that period, request an exit letter, and the EEO counselor shall comply with this request.</li> </ol>

- C. Internal Complaint Investigations
1. MPD EEO complaint investigations involving alleged misconduct shall be conducted by IAD pursuant to [GO-PER-120.20](#).
  2. All employees shall cooperate during an EEO investigation. Investigative results shall be provided to employee and their commanding official(s).
- D. Special Circumstances
1. Sexual Harassment Complaints
    - a. The chief people and equity officer is the department's sexual harassment officer (SHO) and has the authority to investigate sexual harassment complaints. All complaint reporting options provided in this order apply to sexual harassment complaints with an additional option to file a complaint directly with the SHO. Sexual harassment complaints do not require consultation with an EEO counselor prior to filing a complaint.
    - b. Any employee, supervisor, or manager who learns of or receives a complaint or concern regarding sexual harassment or inappropriate conduct shall immediately notify the SHO, who shall ensure that an investigation is conducted.
    - c. Allegations of sexual harassment shall be investigated and resolved as soon as practicable, but no later than 60 calendar days from the report date.
    - d. If an employee who alleges sexual harassment, or is believed to have been the victim of sexual harassment, declines to assist and/or participate in the investigation of the allegation, MPD may initiate its own investigation. MPD must balance the need to respect a victim's wishes not to proceed or cooperate with an investigation, with the responsibility of the department to ensure a respectful workplace free of sexual harassment. Employees who were not themselves victimized, who, after a direct request of the agency, decline to participate in a sexual harassment investigation, may be subject to disciplinary action.
    - e. Employees found to have engaged in inappropriate conduct, who are not terminated, shall be required to attend mandatory sexual harassment training within 60 calendar days of the conclusion of the investigation.
  2. Complaints on the Basis of Disability

The District of Columbia Office of Disability Rights (ODR) serves as the EEO counselor for all District government employees with disabilities. Employees may choose to seek counseling from ODR or the [EEO](#)

[counselor list](#). ODR will be notified of all disability-related counseling requests.

3. DC FMLA Complaints

DC FMLA complaints do not require consultation with an EEO counselor prior to filing a complaint.

E. External Complaint Investigations

1. Employees seeking to file a legal complaint with OHR should follow the steps provided at <https://ohr.dc.gov/service/file-discrimination-complaint>.
2. Employees seeking to file a legal complaint with the United States Equal Employment Opportunity Commission (EEOC) should following the steps provided at <https://www.eeoc.gov/filing-charge-discrimination>.
3. Employees seeking to file a legal complaint with the United States Department of Justice (DOJ) Office of Civil Rights (OCR) should follow the steps provided at <https://www.justice.gov/jmd/complaint-processing>.
4. Employees seeking to file a legal complaint with the United States Department of Labor (DOL) should follow the steps provided at <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/external/how-to-file-complaint>.
5. MPD shall cooperate with any external agency in their processing of an employee's formal complaint.

F. Affirmative Action

1. MPD is committed to the implementation of specific practices of affirmative action designed to promote equal employment opportunity in the workplace and will undertake steps to assure that persons with disabilities, minorities, and women are fairly represented in all areas and at all levels of the agency.
2. Employees shall conduct affirmative action activities in areas including but not limited to:

<b>Affirmative Action Activities</b>
a. Recruitment, hiring, training, promotion, reassignment, upward mobility, and termination;
b. Employee utilization;
c. EEO training and evaluation of supervisors;
d. Publishing statements of the department's commitment to EEO in posters, websites, vacancy announcements, and other appropriate issuances; and
e. Monitoring the complaint process, workplace environment, and employment statistics so as to recognize and correct possible inequities in employment opportunities within the department.

**G. Training**

1. To ensure that all employees are informed of the department’s EEO policy and in an effort to prevent discrimination, harassment, and retaliation from occurring, MPD shall conduct the following routine training sessions:
  - a. All newly hired employees shall complete mandatory discrimination, harassment, and retaliation prevention training within 30 days of hire;
  - b. All sworn and civilian supervisors shall complete mandatory discrimination, harassment, and retaliation prevention training within the first 30 days of appointment to a supervisory position.
  - c. All employees shall complete mandatory discrimination, harassment, and retaliation prevention training on an annual basis. This shall include supervisors and managers ensuring that employees’ questions regarding these matters are appropriately addressed or referred to the MPD Human Resources Management Division and/or the MPD Chief Equity Office.
  - d. All MPD employees selected as OHR-certified counselors shall complete initial and periodic refresher training on department policies on identifying and reporting misconduct.
  - e. All IAD investigators assigned to conduct EEO misconduct investigations shall complete initial and periodic refresher training on EEO laws, discrimination, and investigative techniques.
2. MPD shall provide on-demand online training modules which reinforce the policies provided in this order. These modules shall include an interactive component (i.e., scenario-based) to assess employee comprehension and compliance with the training module.

**III. DEFINITIONS**

When used in this directive, the following terms shall have the meanings designated.

	<b>Term</b>	<b>Description</b>
1.	EEO counseling	Informal resolution process between the employee and an OHR-certified EEO counselor from MPD or outside the department. EEO counseling is conducted to resolve disputes and find a resolution that is satisfactory to both parties.
2.	EEO counselors	Employees trained to provide advice and counsel on how to use the EEO reporting process, as well as other avenues for addressing complaints. Counselors are neutral, non-investigative advisors and not advocates for either side. IAD investigators shall not serve as EEO counselors.
3.	EEO investigation	Investigative process conducted to understand what happened and make a finding.
4.	External complaint	Discrimination complaint filed with OHR, a federal agency (i.e., EEOC, DOJ, or DOL), or a civil complaint in court.

5.	Internal complaint	Complaint filed within MPD.
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