**SECTION 3: NO DISCRIMINATION**

The City and Union agree that they will not discriminate against **or harass** employees based on race, creed, color, ethnicity, ancestry, religion, political affiliation, gender, sexual orientation, age, national origin, marital or domestic partner status, gender identity or gender expression, parental status, pregnancy, disability or medical condition, Acquired Immune Deficiency (AIDS/HIV) or AIDS related condition, or any other status protected by applicable state or federal law, or protected Union activity. Furthermore, the City and Union agree to comply with all applicable federal, state and local laws pertaining to nondiscrimination and equal employment opportunity.

**In a meeting where management is investigating a formal complaint made by an employee over workplace discrimination or harassment based on a category listed in this Article, the employee making the complaint has the right to have a shop steward or union representative present in the meeting.**

The City of Berkeley Harassment Prevention Policy and Sexual Harassment Policy, as may be amended from time to time to comply with applicable state or federal law, is available on-line on the City’s IntraWeb at http://www.ci.berkeley.ca.us/, in the Department of Human Resources, or by contacting the City’s Equal Employment Opportunity and Diversity Officer.