



POLICY AND PROCEDURE

SUBJECT:

ANTI-DISCRIMINATION AND ANTI-HARASSMENT

EFFECTIVE DATE: APRIL 26, 2023

NUMBER: HR 23-03

1.0 PURPOSE

The purpose of this Policy is to provide a professional and productive working environment. It is important that the City of Riviera Beach and Community Redevelopment Agency (CRA), collectively referred to as the “City” maintain an atmosphere for its employees that is characterized by mutual respect and dignity. This Policy sets forth the parameters for maintaining the same. Accordingly, conduct which harasses, disrupts, or interferes with another’s work performance or which creates an intimidating, offensive, discriminatory, or hostile work environment will not be tolerated.

2.0 APPLICABILITY

The City and CRA prohibits any form of harassment or discrimination towards its employees whether engaged in by other employees, supervisors, elected officials or third parties when such harassment is on the basis of a legally protected class.

Any City employee who has been subjected to harassment or discrimination or other violation of this Policy, should immediately file a complaint with the Human Resources Director. If the Human Resources Director is involved in the unwelcome behavior, the report should be made to the City Manager or other management level employee that the employee feels comfortable. The City or its designee will investigate all complaints of harassment or discrimination by employees. After completion of the investigation, the City will take any action it deems appropriate to ensure that all harassment or discrimination ceases after evaluating all the circumstances.

3.0 POLICY STATEMENT

The City endeavors to provide a collegial and professional work environment which promotes equal opportunities and prohibits harassing or discriminatory practices based upon color, race, religion, sex, national origin, citizenship, age, disability, marital status, pregnancy, sexual orientation, military/veteran status, genetic information, gender identity or expression, or any other category protected by law. In addition, the City prohibits retaliation against any individual who reports discrimination or harassment or who participates in any investigation of such reports, or who engages in any other activity protected by law. At the City, harassment or discrimination based on any category protected by law, whether occurring in the office, at work assignments outside the office, at office sponsored social functions, or elsewhere, is unacceptable and will not be tolerated.

Verbal or physical conduct by any employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, discriminatory, or hostile work environment will not be tolerated.

4.0 DEFINITIONS AND EXAMPLES OF PROHIBITED BEHAVIORS

4.1 Sexual Harassment. For the purposes of this Policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature.

4.2 Harassment. Under this Policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of any characteristic protected by law that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

This behavior is unacceptable both in the workplace and by any employee in any setting outside the workplace, including but not limited to other work-related settings such as business trips and business-related social events.

5.0 PROCEDURE FOR REPORTING A COMPLAINT

5.1 Notification

Any employee who believes he or she has been subjected to harassment or discrimination, or who has witnessed harassment or discrimination, or other violations of this Policy, must immediately report the incident to the Human Resources Director or the CRA Office Administrator. If the Human Resources Director or the CRA Office Administrator is involved in the unwelcome behavior, the report may be made to the City Manager/Executive Director.

Supervisors, Managers, or Department Directors must immediately report any questions, concerns, or complaints raised by employees concerning discrimination or harassment to the Human Resources Director for investigation and action.

5.2 Description of Misconduct

An accurate record of objectionable behavior is helpful to investigate and resolve a complaint of alleged harassment or discrimination.

Oral reports of harassment or discrimination may be requested to be reduced to writing by the individual(s) designated to receive complaints.

5.3 Time for Reporting A Complaint

Prompt reporting of complaints is preferred because it allows for rapid identification and resolution of objectionable behavior or conditions for the complaining individual and any other affected employee(s).

5.4 Protection Against Retaliation

The City will not retaliate against an individual who makes a report of harassment or discrimination under this Policy and strictly prohibits any supervisor or employee from retaliating against a complainant. In addition, those individuals who participate as witnesses are also protected from retaliation under this Policy. Retaliation is a very serious violation of this Policy and should be reported immediately. Any person found to have retaliated against an individual for reporting harassment or discrimination will be subject to appropriate disciplinary procedures, including termination.

5.5 Confidentiality

Any reported complaint of harassment or discrimination will be promptly investigated. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances, and the extent consistent with the needs of the investigation. Employees should be aware that the City is obligated to investigate the complaints it receives under this Policy. Additionally, the City cannot entertain requests by the reporting employee, or anyone else, that the information received be ignored, be maintained "off the record", or otherwise fail to act upon the information.

5.6 Resolution of Complaint

Upon completing the investigation of a complaint, the investigator will report findings and recommendations to the City Manager or CRA Executive Director or designee. The City Manager or CRA Executive Director or designee will review the investigation and decide upon appropriate action to be taken. The City Manager or CRA Executive Director or designee will communicate the findings and the resolution to the complainant and alleged harasser.

If the City Manager or CRA Executive Director or designee concurs that the findings support a conclusion that a violation of this Policy occurred, the violator(s) will be subject to appropriate disciplinary procedures, up to and including termination. The complainant will be informed of the disciplinary action.

If the City Manager or designee concurs that the findings do not support a determination that a violation of this Policy occurred, this finding will be communicated to the complainant in an appropriately sensitive manner.

If the City Manager or designee concurs that the investigative findings are inconclusive with respect to a violation of this Policy, the City may take appropriate action to ensure that all involved individuals fully understand the Policy and the behaviors prohibited by the Policy. Such appropriate action may include, but is not limited to, education, training, and/or disciplinary action up to, and including, immediate termination.

The elected body or its designee shall handle the resolution of complaints regarding any of the elected official's conduct.

The actions taken by the City Manager or designee as a result of the investigation are final.

5.7 Discipline

Individuals found to have engaged in behavior violating this Policy, whether or not such behavior constitutes harassment or discrimination as defined by law, may be disciplined, up to and including termination. Discipline will be determined by the City Manager. Where the City Manager is found to have acted inappropriately, the City Attorney will consult with the City Council or Board of Commissioners in accordance with applicable laws to discuss and determine appropriate action. In addressing incidents of harassment or discrimination, the City may impose: oral or written reprimands; referral to counseling, training or education; withholding of a promotion; demotion; reassignment; temporary suspension without pay; reduction in compensation; limitation on contact between the harasser and the complainant; termination; any other corrective action necessary to stop the behavior complained of; or, any combination of the above.

5.8 False Accusations

If an investigation results in a finding that the complainant falsely and maliciously accused another of harassment or discrimination, the complainant will be subject to appropriate sanctions, as described above, including the possibility of termination.

6.0 APPLICATION WITH OTHER LAWS AND CITY AND CRA POLICIES

This Policy shall be applied consistently with the provisions of all state, federal and local law and ordinances regarding discrimination and harassment.

7.0 AUTHORITY OF THE CITY MANAGER

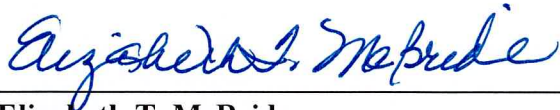
The City Manager or designee shall have the authority to amend this Policy as necessary to assure the continued operations of municipal services and benefit the best interests of the City.

Department Sponsor:
HUMAN RESOURCES DEPARTMENT

Policy Review Date:
JULY 1, 2025

References:

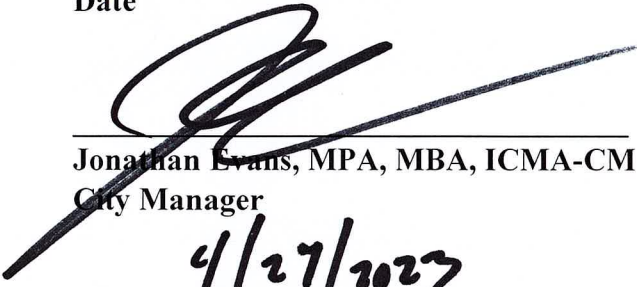
Departments affected:
ALL EMPLOYEES OF THE CITY, UTILITY SPECIAL DISTRICT, AND COMMUNITY REDEVELOPMENT AGENCY



Elizabeth T. McBride
Deputy City Manager/Interim Human Resources Director

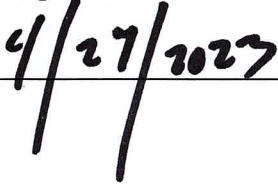


Date



Jonathan Evans, MPA, MBA, ICMA-CM
City Manager

Date



Jonathan Evans, MPA, MBA, ICMA-CM
CRA Executive Director

Date

