

**CITY OF LAUDERHILL
HUMAN RESOURCES AND RISK MANAGEMENT DEPARTMENT**



RETALIATION

HR POLICY NO. HR-08
February 12, 2024

SUMMARY OF REVISED, DELETED, OR ADDED CONTENT

Revision	Date	Responsible Department	Description of Change
1	February 12, 2024	Human Resources and Risk Management	Initial Release

APPROVAL

City Manager Signature

Date

RETALIATION

1.1 PURPOSE

The City of Lauderhill is committed to maintaining a work environment that is free from retaliation. The purpose of this zero-tolerance policy is to provide public officers and employees with general guidelines in order to identify inappropriate behaviors that may constitute retaliation and to provide a mechanism by which public officers and employees may report such behavior in order to exercise reasonable care to prevent, investigate, and promptly correct any prohibited behavior.

1.2 SCOPE

This policy applies to all City of Lauderhill public officers, employees, volunteers, and persons associated with the City while on City property, in City vehicles, or while conducting business on behalf of the City. All public officers, employees, volunteers, and persons associated with the City are expected to be respectful of all co-workers and members of the public, with the understanding their behavior affects all those around them. This policy extends to conduct which occurs at any location reasonably regarded as an extension of the workplace, such as off-site city-related conferences or social events, or facilities where City business is being discussed.

1.3 REFERENCES

1. Florida's Private Whistleblower Act
2. Discrimination and Harassment Policy
3. Workplace Complaints Investigations Policy
4. Code of Conduct for Public Officers, Code Section 2-166

1.4 DEFINITIONS

For the purposes of this policy, understanding the following concepts is important:

1. **Charter Officer:** A position created and defined through the City Charter. In the City of Lauderhill Charter, the following positions are defined as charter officers: City Attorney, City Clerk, and City Manager. The aforementioned charter officers are all to be included in the definition of "employee" solely for the application of this policy.
 2. **Employee:** Individuals employed by the City of Lauderhill in a full-time, part-time, or seasonal status, including interns and charter officers solely for the application of this policy.
 3. **Public Officer:** Any person elected or appointed to hold office in any agency, including any person serving on any city board, committee or advisory body.
 4. **Retaliation:** Taking adverse employment action against an employee or public officer in response to their reporting of a concern, complaint, or violation, or their participation in an investigation or proceeding related to such a report. Examples of adverse actions include demotion, termination, disparate discipline, or salary reduction.
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1.5 POLICY

The City of Lauderhill is committed to upholding public officers' and employees' rights and to fostering a culture of respect and fairness in a work environment that is free of retaliatory behavior. The City of Lauderhill prohibits any form of retaliation against individuals who report concerns, complaints, or violations, or who participate in an investigation or proceeding related to such reports.

This policy prohibits retaliation against public officers and employees who report complaints of violations or who assist in investigating such complaints. Public officers and employees who report complaints of violations or assist in the investigation will not be adversely impacted in terms and conditions of employment. Public officers and employees shall not take any action against a complainant that is intended to discourage the complaint. Retaliation by any public officer or employee against the complainant could result in disciplinary action, up to and including termination. Depending on the circumstances, it may also result in criminal prosecution.

Public officers and employees are highly encouraged to promptly report any concerns of retaliation to the Human Resources Department and/or the City Manager.

It is the intention of the City to set a high standard of conduct and discourage all inappropriate behavior. While the City may discipline a public officer or employee for any violation of this policy, it is not the intention of the City that a violation of this policy will be rendered actionable if it is not otherwise actionable under applicable law.

Examples of Prohibited Conduct:

Depending on the facts, the following illustrative actions may be actionable as retaliation, if actions occur because of an employee or public officer's complaint or participation in an investigation or similar proceeding related to violations:

- Reprimanding or rating performance lower than it should be
- Transferring the employee to a less desirable position
- Engaging in verbal or physical abuse
- Threatening to make, or actually make reports to authorities without merit
- Increasing scrutiny
- Spreading false rumors
- Making the person's work more difficult

1.6 PROCEDURE

Reporting a Complaint of Retaliation:

Public officers, charter officers, or employees who believe that they are being retaliated against as a result of their complaint or participation in an investigation or such proceeding must immediately contact the Human Resources Department or the City Manager. Similarly, employees or public officers who witness any form of retaliation must immediately contact the Human Resources Department or the City Manager.

Employees who disclose information of violations on their own initiative in a written and signed complaint, or who are requested to participate in an investigation, hearing, or other inquiry conducted by the City are protected and shall not be retaliated against.

Investigation of Complaints:

Upon receipt of the complaint, the Human Resources Department shall consult with the City Manager to ensure swift action, which include the assessment of concerns and taking appropriate measures to ensure the safety of staff. The City will determine actions necessary to address the concerns through various methods, such as, but not limited to facilitating employee relations meetings and conducting an investigation on the matter. The investigative process may include interviews of witnesses, including the complainant and the subject of the allegations, and/or review of records and documentation. Interference with the performance of an investigation shall be grounds for disciplinary action, up to and including termination.

An independent investigator will be responsible for conducting the investigation of all complaints reported by, or against, a public officer and/or charter officer. The investigative report will be provided to the City Manager and the City Commission. The City Commission will determine whether disciplinary action is appropriate based on Code of Conduct for Public Officers, Code Section 2-166.

In order for a claim of retaliation to be substantiated through an investigation, the following three elements of retaliation must exist:

1. the public officer, charter officer or employee must have engaged in protected activity (i.e., reporting violations, initiating a complaint, participating in an investigation, etc.);
2. the public officer or employee must have experienced adverse action (i.e., intimidation, harassment, bullying, recommendation for termination, demotion, suspension, salary reduction, disparate discipline, victimization, etc.) as a result of engaging in protected activity; and
3. a connection between the protected activity and the adverse action must be evident.

A complaint of retaliation may be withdrawn in writing at any time by the complainant. Prior to closing the investigation, the Human Resources Department and the City Manager must determine whether corrective action should be taken to address any inappropriate conduct, and in doing so, may determine to continue the investigation.

Disciplinary Action:

Public officers who violate this policy and/or retaliate against an employee who files, assists, supports, or cooperates in the investigation of violations of this policy are subject to disciplinary action in accordance with the Code of Conduct for Public Officers, Code Section 2-166.

Charter officers or employees who violate this policy and/or retaliate against an employee who files, assists, supports, or cooperates in the investigation of violations of this policy are subject to disciplinary action, up to and including termination.

ACKNOWLEDGEMENT OF RECEIPT

I hereby acknowledge that I have read and understood the foregoing policy, rules and conditions governing the use of the City of Lauderhill’s Retaliation Policies & Procedures. I understand that a violation of the Policy (HR-08) or any Human Resources policy may result in disciplinary action, including possible termination, and/or legal action.

Employee Signature

Employee Name

Date

Witness/HR Representative Signature

Witness/HR Representative Name

Date
