

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



DISCRIMINATION AND HARASSMENT

HR POLICY NO. HR-03
February 12, 2024

SUMMARY OF REVISED, DELETED, OR ADDED CONTENT

Revision	Date	Responsible Department	Description of Change
1	June 1997	Human Resources and Risk Management	Initial Release
2	October 2004	Human Resources and Risk Management	Revision
3	February 04, 2005	Human Resources and Risk Management	Revision
4	August 25, 2008	Human Resources and Risk Management	Revision
5	June 07, 2011	Human Resources and Risk Management	Revision
6	February 12, 2024	Human Resources and Risk Management	Revision

APPROVAL

City Manager Signature

Date

DISCRIMINATION AND HARASSMENT

1.1 PURPOSE

The City of Lauderhill is an equal opportunity employer and promulgates this policy as part of its continuing commitment to providing a work environment that is free from unlawful discrimination and harassment, including sexual harassment, that fosters a hostile work environment. The purpose of this zero-tolerance policy is to establish a protocol for when discriminatory, harassing, bullying, and hostile work environments are occurring.

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, vehicles, or while conducting business on behalf of the City. All public officers, employees, volunteers, or 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 facility where City business is being discussed.

1.3 REFERENCES

1. U.S Equal Employment Opportunity Commission
2. Title VII of the Civil Rights Act
3. The Age Discrimination in Employment Act
4. The Americans with Disabilities Act
5. Bullying Policy
6. Retaliation Policy
7. 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. **Discrimination:** The unfavorable and/or unfair treatment, practice, or conduct toward or against an individual based upon their race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, age (age 40 or older), generic information, marital status, or political affiliation.
 3. **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.
 4. **Harassment:** Unwelcome conduct or instances of disturbing, pestering or troubling repeatedly that is based upon their race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, age (age 40 or older), generic information, marital status,
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or political affiliation. Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment as defined herein is a form of discrimination.

5. **Hostile Work Environment:** An environment created when harassing or discriminatory conduct is so severe and pervasive it interferes with an individual's ability to perform their job; creates an intimidating, offensive, threatening or humiliating work environment; or causes a situation where an individual's psychological well-being is adversely impacted.
6. **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.
7. **Retaliation:** Taking a materially adverse action against an employee for opposing discrimination or harassment (including sexual harassment) or participating in an investigation related to discrimination, harassment (including sexual harassment). An action shall be considered materially adverse if it might discourage or prevent another employee from making or supporting a charge of discrimination or harassment (including sexual harassment). Retaliatory behavior includes but is not limited to threats, reprimands, negative evaluations, harassment, refusal to hire, recommendations for demotion or termination.
8. **Sexual Harassment:** Unwelcome sexual advances, comments, gestures, contact of sexual in nature, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Any action which involves implicit or explicit sexual behavior to control, influence, or affect the terms and conditions of employment also constitutes sexual harassment. Sexual harassment can be where conduct of sexual nature creates an offensive, hostile, or intimidating work environment and prevents an individual from effectively performing their duties. Sexual harassment may involve individuals of the same or different gender(s).

1.5 POLICY

The City of Lauderhill is an equal opportunity employer and promulgates this policy as part of its continuing commitment to providing a work environment that is free from unlawful discrimination and harassment, including sexual harassment, that fosters a hostile work environment. It is the policy of the City of Lauderhill to prohibit discrimination in hiring, promoting, compensating, terminating, and all terms and conditions of employment on the basis of actual or perceived race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, age (age 40 or older), generic information, marital status, political affiliation, or retaliation for reporting discrimination.

The City of Lauderhill believes that public officers and employees should be afforded the opportunity to work in an environment free of discrimination and harassment, including sexual harassment, and that no public officer or employee, regardless of sexual orientation, should be subjected verbally or physically to unsolicited and unwelcome sexual overtures or conduct or harassment based on any protected class.

No public officer, employee, volunteer, or person associated with the City shall engage in any form of harassment, discrimination, sexual harassment or verbal or physical conduct against another person which is based upon that person's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, age (age 40 or older), generic information, marital status,

or political affiliation. Nor shall any public officer, employee, volunteer, or person associated with the City engage in any form of retaliation against any other public officer or employee who filed, assisted, supported, or cooperated in the investigation of any allegation of such prohibited conduct. Such behavior directly undermines the City's objective of maintaining an environment free of discrimination and retaliation, and is, therefore, strictly prohibited.

All public officers, employees, volunteers, or persons associated with the City are responsible for ensuring that they adhere to the policy set forth.

It is the intention of the City to set a high standard of conduct and discourage all inappropriate behavior. While the City may discipline an 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.

Types of Prohibited Conduct:

Decisions based on an individual's protected status (e.g., race, religion, age, etc.) that unlawfully affect employment, inclusive of terms, conditions and privileges of employment within the City are prohibited by this policy. Examples include unlawful decisions, actions and practices that occur in the course of recruitment, testing, hiring, work assignments, salary and benefits, working conditions, performance evaluations, promotions, career advancement, or any other application relative to employment.

The City's Discrimination and Harassment Policy prohibits sexual harassment, which includes conduct or language of a sexual nature, and harassment based on gender or any other protected status (e.g., as race, religion, age, etc.). Forms of sexual harassment may include, but are not limited to, the use of vulgar language, abusive acts or language, hostility, physical aggression, intimidation, or unequal treatment.

Fostering a hostile work environment by promulgating harassing, discriminatory, or bullying-type conduct that interferes with an employee's ability to perform their job and creates an intimidating, offensive, threatening, or humiliating work environment is strictly forbidden.

Examples of Prohibited Sexual Harassment:

Prohibited sexual harassment includes unsolicited and unwelcome contact that has sexual overtones. This includes, but is not limited to the following:

- written correspondence, such as sexually suggestive or obscene letters, notes, invitations, e-mail, posters, etc.
 - verbal correspondence, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits, sexual propositions
 - physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault, coercing sexual intercourse
 - other types of non-verbal communication, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters, magazines or screensavers
 - abusing the dignity of an employee through insulting or degrading remarks or conduct
 - threats, demands, or suggestions that an employee's work status is contingent upon the employee's tolerance of or acquiescence to sexual advances
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Sexual harassment also includes continuing to express sexual or social interest after being informed directly that the interest is not reciprocated or welcome, and/or using sexual behavior to control, influence, or affect the career, salary or work environment of another employee.

1.6 PROCEDURE

Reporting a Complaint of Discrimination, Harassment, or Retaliation:

Public officers or charter officers who feel that they have been subjected to any action, decision, harassment, discrimination or retaliation in violation of this policy, or who witnesses others being subjected to improper conduct must report such alleged conduct to the City Manager and/or the Human Resources Director.

An applicant or employee, other than a charter officer, who feels that they have been subjected to any action, decision, harassment, discrimination, or retaliation in violation of this policy, or who witnesses others being subjected to improper conduct must report the alleged company in writing to their supervisor, Department Head, or the Human Resources Department. In the event a supervisor or Department Head receives a discrimination and/or harassment complaint from an employee, said supervisor or Department Head must report said complaint to the Human Resources department immediately.

Prior to reporting any discrimination, harassment or sexual harassment, public officers or employees must put the offender on notice by politely confronting the offender and advising that their actions are not welcome and that they must stop said actions. They may request that a supervisor or representative from the Human Resources Department accompany them as a witness to the conversation.

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 appropriated based on Code of Conduct for Public Officers, Code Section 2-166.

In some instances, the investigation may be conducted in conjunction with an Internal Affairs investigation, as there are circumstances under which certain policies/laws, such as a Police or Fire Department Bill of Rights dictate course and scope of investigations for the respective groups of employees. An Investigation conducted in conjunction with Internal Affairs must be completed in accordance with the parameters and timeframe set forth by the corresponding Bill of Rights.

A complaint of discrimination or harassment 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.

Retaliation:

This policy prohibits retaliation against public officers, charter officers, or employees who report complaints of discrimination, harassment, sexual harassment or hostile work environment or who assist in investigating such complaints. Public officers, charter officers, and employees who report discrimination, harassment, sexual harassment or hostile work environment, or assist in the investigation will not be adversely affected in terms and conditions of employment. Public officers, charter officers, and employees shall not take any action against a complainant that is intended to discourage the complaint.

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 Discrimination and Harassment Policies & Procedures. I understand that a violation of the Policy (HR-03) 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
