

# EMPLOYEE SERVICES

## Directive - 0528



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## ANTI-HARASSMENT AND DISCRIMINATION POLICY AND COMPLAINT PROCEDURE

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The City of Jacksonville is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional and businesslike work environment free from all forms of unlawful discriminatory practices, including harassment. Therefore, the City of Jacksonville expects that all relationships among persons in the workplace will remain professional and free of harassment, discrimination, and bias.

The City of Jacksonville encourages reporting of all perceived incidents of harassment or discrimination. It is the policy of the City of Jacksonville to promptly and thoroughly investigate such reports. The City of Jacksonville prohibits retaliation against any individual who reports harassment or participates in an investigation of such reports.

### **Types/Definitions of Harassment**

Harassment is a form of employment discrimination that may violate employment laws such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and/or the Americans with Disabilities Act (ADA).

1. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined in the Equal Employment Opportunity Commission Guidelines as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance and/or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle or explicit 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; comments about an individual's body, sexual prowess

or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; displaying sexually suggestive objects or pictures in the workplace; and other physical, verbal or visual conduct of a sexual nature.

2. Harassment based on any other protected characteristic also is strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, marital status, citizenship or immigration status, veteran status, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates, and 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 innuendo; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere in the employer's premises or circulated in the workplace, on City of Jacksonville time or using City of Jacksonville equipment, including computers, email, phones (including voice messages), text messages, social networking sites, etc.

### **Individuals and Conduct Covered**

These policies apply to all applicants, employees (regardless of employment category or status), or anyone representing the City of Jacksonville on business such as a volunteer, contract worker, or vendor. The prohibition on harassment also applies to any customer, client, outside vendor or salesperson who comes on to City of Jacksonville property, travels in a City of Jacksonville vehicle, or attends a City of Jacksonville business meeting, trip or event.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

### **The City's Responsibilities Under This Policy**

If the City of Jacksonville receives a report or complaint of alleged harassment, or has reason to believe that harassment is occurring, it will take the necessary steps to ensure that the matter is promptly investigated and addressed in accordance with the procedures outlined in this policy. If the allegation is determined to be credible, the City will take immediate and effective measures to end the unwelcomed behavior. The City is committed to acting if it learns of possible harassment, even if the individual does not wish to file a formal complaint.

All management and supervisory personnel of the City of Jacksonville share responsibility for ensuring compliance with and continued implementation of this policy, including the requirement to comply with the confidentiality provision set forth below.

Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment. All supervisors and managers are required to lead by example.

Supervisors and other responsible City officials who observe, are informed of, or reasonably suspect incidents of possible harassment must immediately report such incidents. Incidents will be investigated promptly and, where necessary, prompt remedial action will be taken. The City will also take the necessary steps to protect from retaliation those employees who in good faith report incidents of potential harassment. It is a violation of this policy to retaliate against someone who has reported harassment. Violators will be subject to discipline.

#### **Requirement to Maintain Confidentiality**

Pursuant to Florida law, the City of Jacksonville will maintain all complaints and other records which relate to a complaint of harassment or discrimination in the workplace as confidential until the investigation is completed, or the file becomes inactive. The requirement to maintain confidentiality applies to any individual who becomes aware of or witnesses the harassment or participates in the investigation, including the victim, the alleged harasser, supervisors/managers, and employees conducting the investigation. Employees violating this provision may be subject to discipline, up to and including termination.

#### **Reporting an Incident of Harassment, Discrimination or Retaliation**

The City of Jacksonville encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. If an employee feels that he or she has been harassed based on his or her sex, race, national origin, ethnic background, or any other legally protected characteristic, the employee should immediately report the matter to his or her supervisor. If that person is not available, or if the employee feels it would be unproductive to inform that person, the employee should immediately contact the City's Office of Equal Opportunity/Equal Access and the Employee and Labor Relations Division of Employee Services by one of the methods listed below. Once the matter has been reported, the City of Jacksonville will promptly investigate and take necessary corrective action where appropriate. All complaints of unlawful harassment will be handled in as discreet and confidential manner as possible under the circumstances. See the complaint procedure described below.

In addition, the City of Jacksonville encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. If the individual does not wish to communicate directly with the offending person, or if such communication has been ineffective, the individual should report the allegations of harassment using the complaint procedure outlined in this directive.

#### **Complaint Procedure**

Individuals who believe they have been the victims of conduct prohibited by this policy or who believe they have witnessed such conduct should discuss their concerns with their immediate supervisor. An employee may also simultaneously report the conduct directly to:

- Office of Equal Opportunity/Equal Access, City Hall, Suite 350, (904) 255-5377, confidential email to Anti-Discrimination Harassment Reporting [cojahad@coj.net](mailto:cojahad@coj.net); and
- Employee Services Department, Employee and Labor Relations Division, City Hall, Suite 100, (904) 255-5640, confidential email to Employee and Labor Relations [laborrelations@coj.net](mailto:laborrelations@coj.net).

If the victim's immediate supervisor is the alleged harasser, the individual may discuss his or her concerns with a manager, division chief, or director within the department. The manager, division chief, or department director has a responsibility to immediately and confidentially notify the City's Office of Equal Opportunity/Equal Access and the Employee and Labor Relations Division of the conduct.

The City of Jacksonville encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Early reporting and intervention has proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, employees are urged to report their concerns as soon as possible.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly by the City's Office of Equal Opportunity/Equal Access. Depending on the nature of the allegations and what the initial investigation discloses, the Office of Equal Opportunity/Equal Access and the Employee and Labor Relations Division may conduct a joint investigation. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with the City of Jacksonville's responsibility to conduct an adequate and fair investigation and to take appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as a reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as the City of Jacksonville believes appropriate under the circumstances.

### **Conclusion**

The City of Jacksonville has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination and retaliation. By widely disseminating this policy to all City of Jacksonville employees and anyone representing the City of Jacksonville on business, such as volunteers, contract workers

and vendors, and by implementing training, the City of Jacksonville will make every reasonable effort to ensure that all concerned are familiar with this policy and are aware that any complaint in violation of this policy will be promptly investigated and resolved appropriately.

This policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of harassment. The law and the policies of the City of Jacksonville prohibit disparate treatment based on sex or any other protected characteristic regarding terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

Any employee who has any questions or concerns about this policy should speak with his/her HR Business Partner.