

808.26 SUBJECT: HARASSMENT

:1 OBJECTIVE:

To establish a reporting and investigation procedure for complaints of harassment made by or against City employees.

:2 AUTHORITY:

This procedure amended by City Council May 10, 2010, Item A-2.

:3 DIRECTION:

Department Directors, Office Heads, Division Managers.

:4 METHOD OF OPERATION:

A. Definitions

The following words, for the purpose of this procedure, shall mean:

1. **City** – is the City of Orlando Government
2. **Employee** – Is any person who is on the payroll of the City of Orlando.
3. **Harassment** – Is any verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, gender identity, national origin, age, sexual orientation or disability, or that of his/her relatives, friends, or associates and that for a reasonable person:
 - a) Has the purpose or effect of creating an intimidating, hostile, or offensive work environment.
 - b) Has the purpose or effect of unreasonably interfering with an individual's work performance; or
 - c) Otherwise adversely affects an individual's employment opportunities.

Examples of harassment include, but are not limited to, epithets, slurs, negative stereotyping or threatening, intimidating, or hostile acts, that relate to race, color, religion, gender, gender identity, national origin, age, sexual orientation or disability or any display of written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the same.

Sexual Harassment is any verbal or physical conduct of a sexual nature or with sexual overtones, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when 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 or creating an intimidating, hostile or offensive working environment.

Examples of sexual harassment include, but are not limited to, lewd or sexually suggestive comments; off-color language or jokes of a sexual nature; slurs and other verbal, graphic or physical conduct relating to an individual's sex; or any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos or cartoons.

B. Policy

The City strongly disapproves of and does not tolerate harassment of any kind. All employees must avoid offensive, disrespectful or unprofessional behavior at work and are responsible for assuring that the workplace is free from such behavior at all times. The City shall discipline any employee who commits such conduct. Complaints of such behavior will be promptly and carefully investigated and all employees are assured that they will be free from any and all reprisal or retaliation from filing such complaints.

C. Complaint Procedures

1. Harassment:

- a) Employees who believe they are being subjected to harassment are encouraged to report the conduct to their immediate supervisor. If the complaint is concerning the immediate supervisor, the employee should report to the next person up in his/her chain of command.
- b) An investigation of the complaint will be conducted by the appropriate supervisor or as otherwise assigned and disciplinary action taken in accordance with Policy and Procedure 808.20 if warranted.
- c) If the validity of the complaint cannot be determined, management will ensure that all parties are reacquainted with the City policy on harassment.

2. Sexual Harassment

- a) Employees who believe that they have been subjected to sexual harassment are encouraged to timely report the conduct to Human Resources Division/Labor Relations - Section which shall have both male and female investigators available.
- b) The Human Resources Division/Labor Relations Section investigation will include interviews with all relevant witnesses including the complainant, the accused and other potential witnesses.
- c) To the extent possible and as permitted by law, the investigation will remain confidential.
- d) Any employee interviewed during the course of an investigation may be accompanied to the interview by a union representative, attorney, or fellow employee.
- e) The Human Resources Division/Labor Relations Section will review its findings with the complainant at the conclusion of its investigation. The investigative report will be submitted to Department Director or Chief Administrative Officer (CAO) or designee for review and appropriate action, up to and including termination, if discipline is deemed to be necessary. If the validity of the complaint cannot be determined,

immediate and appropriate action will be taken to assure that all parties are reacquainted with this sexual harassment policy.

- f) This procedure is in no way intended to prevent an aggrieved employee from pursuing a claim through local, State, or Federal agencies.

:5 FORMS:

None.

:6 COMMITTEE RESPONSIBILITIES:

None.

:7 REFERENCE:

Section 703(a)(1) of Title VII of the Civil Rights Act of 1964; 42 U.S.C. '2000e-(a)(1); Executive Order 11246 as amended by Executive Order 11375. Procedure adopted by City Council July 20, 1981, Item 11; amended April 6, 1992, Item 2(II); amended June 21, 1993, Item 2-P; amended January 10, 1994, Item 8-K; amended July 17, 2000, Item 3-FF; amended September 11, 2000, Item 7X; amended September 15, 2003; re-formatted only April 2004; amended May 10, 2010, Item A-2.

:8 EFFECTIVE DATE:

This procedure effective May 10, 2010.