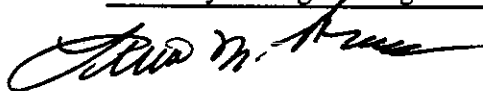


POLICY NUMBER:

APM -1 - 03

DATE:
February 26, 2003

ISSUED BY:
Linda Haskins
City Manager/Designee



SIGNATURE

CITY OF MIAMI



ADMINISTRATIVE POLICY

REVISIONS
REVISED SECTION
Created
DATE OF REVISION
02/26/03

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SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

PURPOSE: To define the policy of the City of Miami that all employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive.

It is the City's position that sexual harassment, discrimination or harassment based on race, color, age, national origin, religion, sex, pregnancy, sexual harassment, disability, marital status, sexual orientation, or retaliation is a form of misconduct that undermines the integrity of the employment relationship and the provision of services to its citizens. These acts also constitute unlawful employment practices under Title VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act of 1967, as amended; the Equal Pay Act of 1963; the Rehabilitation Act of 1973; the Americans With Disabilities Act of 1990; the Florida Civil Rights Act; and Chapter 11A, Article IV of Miami-Dade County Ordinance No. 97-17.

The Policy will be as Follows:

I. POLICY STATEMENT:

The City of Miami (the City) is an equal opportunity employer and has promulgated this policy as part of its continuing effort to maintain a work environment free from unlawful discrimination. This policy along with the Policy Statement on Sexual Harassment, (APM 3-81) constitutes the City's Equal Employment Opportunity Statement.

It is the policy of the City to prohibit discrimination in hiring, promotion, compensation, discharge, and all terms and conditions of employment because of an individual's race, color, age, national origin, religion, sex, pregnancy, sexual harassment, disability, marital status, sexual orientation or any retaliation for reporting the same. Employees are encouraged to report all instances of discrimination, as well as any acts of retaliation against any employee for reporting incidents of discrimination, participating in any investigation of complaints of discrimination, or otherwise opposing acts of discrimination.

Harassment, intimidation, jokes, or discrimination of any kind on the basis of race, color, age, national origin, religion, sex, pregnancy, disability, marital status, or sexual orientation is prohibited as well as any retaliatory acts related to the reporting of any prohibited behavior.

In addition to harassment by fellow employees, the City does not condone harassment by the public or other non-employees, and it will take appropriate action to the extent of the City's control or legal responsibility with respect to such non-employees.

II. DEFINITIONS

- A. **“Harassment”** for the purpose of this policy is intended to refer to any harassment on the basis of **race, color, age, national origin, religion, sex, pregnancy, disability, marital status, or sexual orientation.**
- B. **“Discrimination”** for the purpose of this policy is intended to refer to any discriminatory practices or conduct that are based on **race, color, age, national origin, religion, sex, pregnancy, disability, marital status, or sexual orientation.**
- C. **“Supervisors”** for the purpose of this policy is intended to refer to employees with supervisory responsibilities over other employees, (i.e., elected officials and appointed staff, including the City Manager, City Officers, Department Directors, first line supervisors, etc.)

III. ADMINISTRATION AND RESPONSIBILITY:

- A. The Equal Opportunity/Diversity Programs Division will be responsible for the investigation of any complaints of employment harassment/discrimination as defined in this policy. Any questions regarding this policy are to be directed to:
 - Equal Opportunity/Diversity Programs Division
 - 444 S. W. 2nd Avenue, Room 642
 - Miami, Florida 33130
 - (305) 416-1990 or fax (305) 416-1995
- B. The Equal Opportunity/Diversity Programs Division is charged with the responsibility of developing and implementing instructional programs for the purpose of ensuring that officials and employees clearly comprehend the fact that discrimination/harassment in City Government is illegal and will not be tolerated.
- C. All supervisors, are charged with the responsibility of taking reasonable precautions to insure that all departments are free of discrimination/harassment and to take corrective measures when necessary and appropriate.
- D. Upon initial issuance of this policy, it shall be the responsibility of all Department Directors to initially distribute this Policy to all current employees. Furthermore, employees shall be advised of their rights to resolve complaints involving discrimination/harassment with the Equal Opportunity/Diversity Programs Division, the U. S. Equal Employment Opportunity Commission, the Florida Human Relations Commission, or the Miami-Dade Equal Opportunity Board. The employee will be required to sign and retain a copy of the Acknowledgment of Receipt Form for this policy and return the original signed form to their Department Director, or designee, who will forward the original signed form to the Department of Employee Relations for placement in the employee's personnel file.
- E. New employees at the time of orientation shall be given a copy of this policy and sign the Acknowledgement of Receipt Form. The Department of Employee Relations will retain the original signed form to be placed in the employee's personnel file and provide a copy of the form to the new employee. Equal Opportunity/Diversity Programs Division will emphasize this policy during orientation.

IV. MANAGEMENT RESPONSIBILITY:

The maintenance of high standards of honesty, integrity, impartiality, and conduct by City employees is essential to assure the effective performance of the City's business and the maintenance of confidence by citizens of Miami in their City government. The conduct of any employee in violation of this policy cannot be tolerated.

As such, any harassment, as previously described, is a form of employee misconduct, which not only undermines the integrity of the employment relationship, but is also illegal. All employees must be allowed to work in an environment free from harassment, as previously described.

The City of Miami, both in spirit and by law, is dedicated to a strong policy against any form of discrimination on any of the bases previously stated. "Harassment" is unacceptable conduct and will not be tolerated.

Management is required to take appropriate action against acts of "harassment" that they become aware of. Specifically, the supervisor will refer the complaining employee to the Equal Opportunity/Diversity Programs Division and will inform the employee being accused of the discrimination/harassment that a complaint has been made. In informing the employee being accused, the supervisor will remind the employee that the type of behavior being alleged will not be tolerated and that an investigation will be conducted. The Equal Opportunity/Diversity Programs Division is to be contacted by the supervisor for further guidance.

It shall be a violation of this policy for any employee, supervisor, or non-City employee to harass any employee or applicant for employment, on the basis of race, color, age, national origin, religion, sex, pregnancy, disability, marital status, or sexual orientation.

Violations of this policy will be cause for disciplinary action, up to and including dismissal.

V. COMPLAINT PROCEDURES:

- A. An applicant or employee who feels that he/she has been discriminated/harassed because of race, color, age, national origin, religion, sex, pregnancy, disability, marital status, sexual orientation or has been sexually harassed may file a complaint with the City's Equal Opportunity/Diversity Programs Division.
- B. The Equal Opportunity/Diversity Programs Division staff will meet with the employee and formalize the complaint before it is officially filed.
- C. The Department Director will be notified and asked to respond to the allegations and to make all necessary records, documents and/or employees available.
- D. The Equal Opportunity/Diversity Programs Division will proceed to investigate any alleged violations of this policy, including taking sworn statements and will issue a Letter of Determination to the complainant and the Department Director.

VI. NON-RETALIATION

Retaliation against employees who file discrimination/harassment charges or assist or participate in any investigation of such charges is **prohibited**. No employee will be adversely affected in terms and conditions of employment, nor discriminated against or discharged because of having such a complaint.

Any employee or supervisor who condones, engages, or attempts to engage, in retaliation against another employee for filing such a complaint, will be subject to disciplinary action up to and including dismissal. Similarly, any City Officers or Department Director who condones such retaliation or who allows an atmosphere of retaliation or intimidation to exist in any department will be cause for disciplinary action, up to and including dismissal.

VII. NOTIFICATION

This policy shall be made readily available to all elected officials, appointed staff and City employees. Additional requests for copies of this policy should be directed to the Labor Relations Division. All employees must understand the contents contained herein as to what constitutes discrimination/harassment, and realize that the City of Miami regards any violation of this Policy as a serious offense.

For further information, assistance, or the filing of a complaint alleging discrimination/harassment, please contact the Equal Opportunity/Diversity Programs Division, Miami Riverside Center, 444 S.W. 2nd Avenue, Suite 642, Miami, Florida 33130 at (305) 416-1990.