



City of Atlantic Beach, Florida

EQUAL EMPLOYMENT OPPORTUNITY PLAN

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POLICY

The City of Atlantic Beach is committed to providing a professional work environment free from discrimination and harassment, including discrimination and harassment based on a protected category, and an environment free from retaliation for participating in any protected activity covered by this policy. The City of Atlantic Beach is committed to providing equal employment opportunities to all employees and applicants for employment. Accordingly, we have adopted and maintain this anti-discrimination policy designed to encourage professional and respectful behavior and prevent discrimination designed to encourage professional and respectful behavior and prevent discriminatory and harassing conduct in our workplace. We will implement appropriate corrective action(s), up to and including formal discipline, in response to misconduct, even if the violation does not rise to the level of unlawful conduct.

The City of Atlantic Beach prohibits discrimination or harassment based on the following categories: race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding or related medical conditions), gender, gender identity, gender expression, age, sexual orientation, veteran and/or military status, protected medical leaves, and any other status protected by local, state or federal law. In addition, the City of Atlantic Beach prohibits retaliation against a person who engages in activities protected under this policy. Reporting or assisting in reporting, suspected violations of this policy and cooperating in investigations or proceedings arising out of a violation of this policy are protected activities under this policy.

All employees are expected to assume responsibility for maintaining a work environment that is free from discrimination, harassment and retaliation. Employees are encouraged to promptly report conduct that they believe violates this policy so that we have an opportunity to address and resolve any concerns. Managers and supervisors are required to promptly report

conduct that they believe violates this policy. We are committed to responding to alleged violations of this policy in a timely and fair manner and to taking appropriate action aimed at ending the prohibited conduct.

Scope of Protection

This policy applies to City of Atlantic Beach applicants and employees. As used in this policy, the term “employee” includes contractors and volunteers in our workplace. In addition, this policy extends to conduct with a connection to an employee’s work, even when the conduct takes place away from the City’s worksites.

Applicant/Employee Rights

- The right to a discrimination, harassment and retaliation-free work environment.
- The right to file a complaint of discrimination, harassment or retaliation. Employees are encouraged to report inappropriate conduct immediately and, whenever possible, to put the complaint or concern in writing.
- The right to a full, impartial and prompt investigation by a City of Atlantic Beach representative or designee into allegations of conduct that would violate this policy.
- The right to be timely informed of appropriate information related to the outcome of an investigation either as a complainant or respondent in the investigation.
- The right to be free from retaliation or reprisal after filing a complaint or participating in the complaint process.

CONDUCT PROHIBITED BY THIS POLICY/DEFINITIONS

Discrimination:

As used in this policy, discrimination is defined as the unequal treatment of an employee or applicant in any aspect of employment,

including discrimination based solely or in part on the employee's or applicant's protected category. Discrimination includes unequal treatment based upon the employee or applicant's association with a member of these protected classes.

Discrimination may include, but it not necessarily limited to: hostile or demeaning behavior towards applicants or employees because of their protected category; allowing the applicant's or employee's protected category to be a factor in hiring, promotion, compensation or other employment related decisions unless otherwise permitted by applicable law.

Harassment:

As used in this policy, harassment is defined as disrespectful or unprofessional conduct, including disrespectful or unprofessional conduct based on any of the protected categories listed herein. Harassment can be verbal, such as slurs, jokes, insults, epithets, gestures or teasing, visual, such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays or emails, or physical conduct such as physically threatening another person, blocking someone's way, making physical conduct in an unwelcome way, etc.

Sexual Harassment:

As used in this policy sexual harassment is defined as harassment based on sex or conduct of a sexual nature and includes harassment based on sex (including pregnancy, childbirth, breastfeeding or related medical conditions), gender, gender identity or gender expression. It may include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities or other verbal and/or physical conduct of a sexual nature. Sexual harassment may include situations that began as consensual or reciprocal relationships but that later cease to be reciprocal.

Sexual harassment is generally categorized into two types:

1. Quid Pro Quo Sexual Harassment (this for that)
 - Submission to sexual conduct is made explicitly or implicitly a term or condition of an individual's employment.
 - Submission to or rejection of the conduct by an employee is used as the basis for employment decisions affecting the employee.
2. Hostile Work Environment Sexual Harassment
Conduct of a sexual nature or on the basis of sex by any person in the workplace that unreasonably interferes with an employee's work performance and/or creates an intimidating, hostile or otherwise offensive working environment. Examples include:
 - Unwelcome sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, voicemails or gifts.
 - Sex, gender or sexual orientation-related comments, slurs, jokes, remarks or epithets.
 - Leering, obscene or vulgar gestures or making sexual gestures.
 - Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, posters, etc.
 - Impeding or blocking movement, unwelcome touching or assaulting others.
 - Any sexual advances that are unwelcome, as well as reprisals or threats after a negative response to sexual advances.
 - Conduct or comments consistently targeted at one gender, even if the content is not sexual.

Retaliation:

As used in this policy, retaliation is defined as any adverse employment action taken against an employee because the employee engaged in activity protected under this policy.

TRAINING REQUIREMENTS

Supervisors must attend training, when offered, aimed at increasing their understanding of and preventing workplace harassment and discrimination and their role in creating an underlying culture of mutual respect in our

workplace. Supervisors will be trained on how to identify, investigate, report and respond to harassment, discrimination and retaliation in the workplace.

ADDRESSING AND REPORTING VIOLATIONS OF THIS POLICY

Any employee or applicant who experiences or witnesses behavior that they believe violates this policy is encouraged to immediately tell the offending individual that the behavior is inappropriate and, if they feel comfortable doing so, to tell the offending individual to stop the behavior. The applicant or employee should also immediately report the alleged violation to his/her supervisor, manager or the EEO Officer. There is no chain of command when contacting the EEO Officer; an individual does not need supervisor or manager approval to do this. If the alleged offender is the employee's supervisor or manager, the employee should report the conduct to any other department head or the EEO Officer. A complaint may be brought forward verbally or in writing. Written complaints can be made using the EEO Complaint Form attached to this policy.

Supervisors or managers who learn of any potential violation of this policy are required to immediately report the matter to the EEO Officer, and must follow that officer's instructions as to how best to proceed.

The City of Atlantic Beach will promptly look into the facts and circumstances of any alleged violation, as appropriate. Even in the absence of a formal complaint, the City of Atlantic Beach may initiate an investigation where it has reason to believe that conduct that violates this policy has occurred. Moreover, even where a complainant conveys a request to withdraw their initial formal complaint, the City may continue the investigation to ensure that the workplace is free from discrimination, harassment and retaliation. Anonymous complaints will also be investigated, if appropriate. The method will depend on the details provided in the anonymous complaint. If the complaint is sufficiently detailed, the investigation may be able to proceed in the same manner as any other complaint. If the information is more general, the City may need to do an environmental assessment or survey to try to determine if

misconduct has occurred. All investigations will be fair, impartial, timely and completed by qualified personnel.

To the extent possible, the City of Atlantic Beach will endeavor to keep the reporting of the applicant or employee's concerns confidential; however, complete confidentiality cannot be guaranteed when it interferes with the City's ability to fulfill its obligations under this policy. All employees are required to cooperate fully with any investigation. This includes, but is not limited to, maintaining an appropriate level of discretion regarding the investigation and disclosing any and all information that may be pertinent to the investigation. Upon completion of the investigation, if misconduct is substantiated, the City will take appropriate corrective and preventive action calculated to end the conduct up to and including formal discipline where warranted.

CORRECTIVE ACTION GUIDELINES

The City of Atlantic Beach will take appropriate corrective action(s) up to and including formal discipline against any employee(s) when an investigation has found that misconduct has occurred. Such corrective action(s) may include, but are not limited to, letters of reprimand, suspension, demotion or termination.

