

Meeting Date
April 28, 2015



AGENDA	
Section	Consent
Item No.	II.D.4

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Brevard County Policy BCC-04, Discriminatory Harassment
DEPT/OFFICE:	Human Resources Office

Requested Action:
 It is requested that the Board approve the continuation of BCC Policy -- 04, Discriminatory Harassment.

Summary Explanation & Background:

BCC-31 (Sunset Review) requires all policies to be subjected to a review every three years to determine their relevance, appropriate department assignment, duplicious, and to maintain current statutory law updates.

The Discriminatory Harassment policy was established in order to maintain a work environment that respects the dignity and worth of each individual, and permits employees to feel free from intimidation, coercion, unlawful harassment or retaliation.

This policy was recently reviewed by the Employee Relations Section of Human Resources and it is recommended that this policy be continued.

Clerk to the Board Instructions:

Exhibits Attached: BCC-04 Policy with Strikeouts and underlines and clean copy.

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager	Assistant County Manager, Mel Scott	Department Director / Extension
Stockton Whitten	Assistant County Manager, Venetta Valdengo	Frank Abbate Human Resources Director



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
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April 29, 2015

MEMORANDUM

TO: Stockton Whitten, County Manager

RE: Item II.D.4., Policy BCC-04 for Discriminatory Harassment

The Board of County Commissioners, in regular session on April 28, 2015, approved Policy BCC-04 regarding Discriminatory Harassment. Enclosed is the original Policy for your action.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/af

Encl. (1)

cc: Human Resources Director

POLICY

TITLE: Discriminatory Harassment

NUMBER: BCC-04
CANCELS: 01/26/2010
APPROVED: 04/28/2015
ORIGINATOR: Human Resources
REVIEW: 04/28/2018

I. OBJECTIVE

It is the policy of the Brevard Board of County Commissioners to maintain a work environment that respects the dignity and worth of each individual, and permits employees to feel free from intimidation, coercion, unlawful harassment, or retaliation. Any form of unlawful discrimination against an individual on the basis of race, color, sex, national origin, religion, age, disability, pregnancy, veteran status, marital status, or any other characteristic protected by applicable law is a form of employee misconduct which undermines the integrity of employment relationship and shall not be condoned.

Discriminatory harassment, including but not limited to racial harassment, sexual harassment, harassment based on national origin, religion, age, disability, pregnancy, veteran status or marital status infringes on an individual's right to a work environment that is free from intimidating or offensive behavior and will not be tolerated.

II. DEFINITIONS AND REFERENCES

- A. Sexual Harassment – Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment 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, (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, or (4) such conduct has the purpose or effect of unreasonably interfering with, or creating an offensive or hostile work environment for a non-employee.

Examples of Prohibited Sexual Harassment. It is impossible to identify all of the conduct that could constitute sexual harassment. The following are examples of conduct that can constitute sexual harassment:

- Threatening to make, or actually making job decisions such as hiring, promotion, pay raises, reassignment, discipline, demotion, or discharge if sexual favors are not granted;
- Requesting sexual favors in exchange for favorable or preferential treatment;
- Repeated unwelcome flirtations or advances;
- Unwelcome physical contact;
- Sexually offensive comments, jokes, innuendoes, and use of other sexually oriented language, either verbally, in writing, or through electronic means;

- The display of sexually suggestive pictures or objects;
 - Offensive or abusive physical contact;
 - Explicit, degrading, or unwelcome verbal, written, or electronic communication about an individual's appearance;
 - Gender or sex-based pranks or horseplay;
- B. Other Prohibited Harassment - Unwelcome verbal or physical conduct relating to an individual's race, color, gender, age, religion, national origin, disability, veteran status, marital status, or other characteristic protected by law that has the purpose or effect of unreasonably interfering with or creating an offensive or hostile work environment is prohibited harassment.

It is impossible to identify all of the conduct that could constitute other prohibited harassment. The following are examples of conduct that can constitute such harassment:

- Using epithets or slurs;
- Mocking, ridiculing or mimicking another's culture, accent, appearance, color, or customs;
- Threatening, intimidating or engaging in hostile or offensive acts that focus on an individual's race, color, gender, age, religion, national origin, disability, veteran status, marital status, or any other characteristic protected by law;
- Offensive jokes or pranks;
- Posting offensive material on walls, bulletin boards, or elsewhere on County property;
- Circulating offensive material in the workplace, in writing, by electronic means, or otherwise.

III. DIRECTIVES

- A. Discriminatory harassment is not acceptable and will not be tolerated. All employees are expected to comply with this policy demonstrating sensitivity and respect for others.
- B. Any employee who believes he or she has experienced discriminatory harassment, is strongly encouraged to immediately report the situation to his or her supervisor or appropriate authority. If an employee is being harassed by a supervisor, he or she is strongly encouraged to report the situation to his or her next level of supervision, including his or her Department or Office Director.
- C. Employees may also contact the Employee Relations Manager/EEO Officer, Personnel Manager, or Human Resources Director to report their concerns concerning discriminatory harassment or any other form of unlawful employment discrimination.
- D. Managers and supervisors are responsible to fully and fairly investigate and address any concerns or complaints of discriminatory harassment promptly. Managers and Supervisors are also responsible to fully and fairly investigate and stop harassment that comes to their attention through observation or other sources of information even if there is no formal complaint.
- E. As soon as the investigation is concluded and an evaluation made of the results of the investigation, appropriate action will be taken. If it is concluded that discriminatory harassment has occurred, appropriate corrective action will be taken immediately to rectify the situation. The type of action to be taken depends on, among other things, the kind and degree of harassment, the employment status and level of responsibility of the offending individual, any past findings of inappropriate conduct, and the extent of the offending individual's cooperation in the investigation. The action taken may include, but is not limited to, verbal or written counseling, referral to professional counseling, disciplinary suspension or probation, or immediate termination from employment.

- F. Retaliation against an individual for reporting discriminatory harassment or cooperating in the investigation of such a report is considered a serious offense as it undermines the integrity of this policy. As a result, any form of retaliation against an individual for making a report of harassment or for assisting in the investigation of such a report is strictly prohibited.
- G. Reports of perceived retaliation should be made promptly, and can be made in the same manner as reports of discriminatory harassment. Those reports will be investigated and resolved in the same manner as reports of discriminatory harassment. If it is concluded that retaliation has occurred, appropriate action will be taken to immediately correct the situation. Appropriate action may include immediate termination from employment.
- H. Discriminatory harassment is a serious breach of the County's policy and may be a violation of the law. As a result, a report of such harassment is an extremely serious matter that could have a very damaging effect on an accused individual's professional and personal reputation, career, and personal life. A report of discriminatory harassment should not be used to address complaints for something other than discriminatory harassment.

IV. RESERVATION OF AUTHORITY

The authority to issue and/or revise this policy is reserved to the Board of County Commissioners.



Scott Ellis, Clerk



Robin Fisher, Chairman

Board of County Commissioners
Brevard County, Florida
As Approved by the Board on

04-28-15

SUNSET REVIEW

BCC-31

POLICY NUMBER AND NAME (OR)
ADMINISTRATIVE ORDER NUMBER AND NAME:

BCC-04 – Discriminatory Harassment

Department: **Office of Human Resources**

Please review with recommendations to the County Manager (and/or) Advisory Board.

Citizen Group: Recommendation to be submitted to the Board of County Commissioners

County Commission: To receive results of Department and Citizen Group reviews:

REVIEW TO INCLUDE (BUT NOT LIMITED TO):

1. What is the need being met and who benefits: (Quantify)
 The Discriminatory Harassment Policy was established in order to maintain a work environment that respects the dignity and worth of each individual, and permits employees to feel free from intimidation, coercion, unlawful harassment or retaliation.

2. Is this Policy/Administrative Order duplicative? Yes No
 If yes, please explain.

3. Can another agency perform this function? Yes No
 If yes, please explain.

4. County Funding Yes No

5. Should this Policy/Administrative Order be Eliminated
 Modified
 X Continued

6. Is there an acceptable alternative? Yes No
 If yes, please explain.

The date(s) the Citizen Group/Advisory Board will review. N/A

The date the Board of County Commissioners will review results. N/A

Stockton Whitten, County Manager

Date

POLICY

| **TITLE:** Discriminatory Harassment

NUMBER: BCC-04

CANCELS ~~8/22/09~~01/26/2010

APPROVED: ~~1/26/2010~~04/28/2015

ORIGINATOR: Human Resources

REVIEW: ~~1/26/2012~~04/28/2018

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Scott Ellis, Clerk
Fisher, Chairman

Mary Bolin, Chair Robin

Board of County
Commissioners
Brevard County, Florida
As Approved by the Board on
