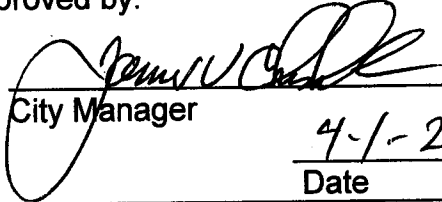


## MANAGEMENT POLICY/PROCEDURE

Effective Date: 04/01/11	Policy Number: 7	Page Number: 1 of 6	Supersedes Policy Dated: 09/07/99
Subject:  EQUAL OPPORTUNITY AND ANTI-DISCRIMINATION		Approved by:   _____ City Manager  4-1-2011 _____ Date	

**A. EQUAL OPPORTUNITY POLICY**

The City of Daytona Beach ("the City") is an Equal Opportunity Employer. The City is strongly committed to a policy of Equal Opportunity in all employment activities, and in the provision of all City programs, services, and activities. In accordance with the rights and obligations under applicable federal and state law, the City:

STRICTLY PROHIBITS DISCRIMINATION, INCLUDING  
EMPLOYMENT DISCRIMINATION, ON THE BASIS OF  
RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE,  
SEX, HANDICAP, DISABILITY, VETERAN STATUS,  
GENETIC INFORMATION OR MARITAL STATUS.

The term "employment activities" includes but is not limited to recruitment, testing, certification, appointment, promotion, compensation and benefits, job assignment and placement, training, transfer, reemployment, reinstatement, demotion, termination, retirement, and disciplinary actions. These non-discrimination requirements apply to all City programs, services, and activities.

It is the intent of the City to ensure that the work environment is free from any form of discrimination. The City will not tolerate discrimination or harassment. Any form of discrimination related to the race, color, religion, national origin, age, sex, handicap, disability, veteran status, genetic information or marital status is a violation of this policy and will be treated as a disciplinary matter.

The City has adopted an Equal Employment Opportunity Program to ensure equal employment opportunity for all. The City is an Affirmative Action employer and maintains an Affirmative Action Program. The provisions of the Equal Employment Opportunity and Affirmative Action Program are implemented at all levels of City Government to ensure that any person who is qualified for a position in the City Government is provided an equal opportunity for employment and advancement. Questions regarding the City's Equal Employment Opportunity Program and Affirmative Action Program should be addressed to the Assistant City Manager. Veteran's preference allowances are administered pursuant to State law.

The Assistant City Manager located in the City Manager's Office at City Hall has the responsibility for administering the Equal Employment Opportunity Program to ensure full compliance with the applicable civil rights and equal employment opportunity regulations; and to investigate all allegations of discrimination filed against the City.

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City Manager

4-1-11  
Date

Any employee who believes he or she is being discriminated against, or has witnessed or become aware of conduct that he or she believes is discriminatory, should report such conduct using the City's Resolution Procedures. See "Resolution Procedures."

### B. ANTI-HARASSMENT POLICY

The City does not tolerate workplace harassment and considers harassment, in all its forms, to be a serious offense. This anti-harassment policy applies to all City programs, services, and activities.

The term "harassment" means any conduct—including but not limited to verbal or physical conduct—that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, national origin, age, sex, handicap, disability, veteran status, genetic information or marital status, and is sufficiently severe or pervasive to unreasonably interfere with an individual's job performance and create a hostile or abusive working environment.

Some examples of conduct that might be considered harassment include epithets, slurs, jokes, negative stereotyping, threats, intimidation, hostile acts, denigrating or hostile written or graphic material posted or circulated in the workplace; and any other conduct relating to an individual's race, color, religion, national origin, age, sex, handicap, disability, veteran status, genetic information or marital status that is sufficiently severe or pervasive to unreasonably interfere with an individual's job performance and create a hostile or abusive working environment.

Harassment includes sexual harassment. "Sexual harassment" is unwanted sexual attention of a persistent or offensive nature made by a person who knows, or reasonable should know, that such attention is unwanted. Sexual harassment includes sexually oriented conduct that is sufficiently severe or pervasive to unreasonably interfere with an individual's job performance and create a hostile or abusive working environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- Promising, directly or indirectly, an employee a reward, if the employee complies with a sexually oriented request;
- Threatening, directly or indirectly, to retaliate against an employee, if the employee refuses to comply with a sexually oriented request;

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\_\_\_\_\_  
City Manager

4-1-11  
\_\_\_\_\_  
Date

- Denying, directly or indirectly, an employee and employment-related opportunity, if the employee refuses to comply with a sexually oriented request;
- Engaging in sexually suggestive physical contact or touching another employee in a way that is unwelcome;
- Displaying, storing or transmitting pornographic or sexually oriented materials using City equipment or facilities;
- Engaging in indecent exposure; or
- Making sexual or romantic advances toward another employee in a way that is unwelcome.

Employees are prohibited from harassing other individuals whether or not the incidents of harassment occur on City premises and whether or not the incidents occur during working hours.

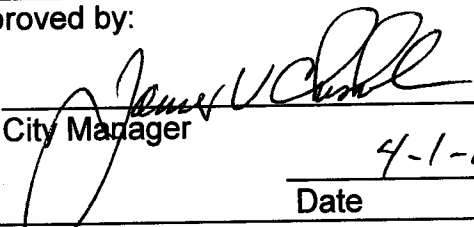
Harassment, including sexual harassment, of City employees in connection with their work, by non-employees (vendors, truck drivers, etc.) may also violate this policy. Appropriate action will be taken by the City for violation of this policy by non-employees.

Any employee who believes he or she is being harassed, or has witnessed or become aware of conduct that he or she believes is harassment, should report such conduct using the City's Resolution Procedures. See "Resolution Procedures."

### C. REASONABLE ACCOMMODATION – DISABILITY

The City maintains a strong commitment to individuals with disabilities. The City understands that reasonable accommodations may be necessary to enable qualified individuals with disabilities to perform their jobs. Accordingly, if you are an individual with a disability and you need a reasonable accommodation to perform your job, you are encouraged to put your request in writing to your supervisor. If for any reason you are uncomfortable approaching your supervisor, or you feel that the matter is not being adequately addressed, you should bring the matter to the attention of the next level management or to Human Resources or to the Assistant City Manager, preferably within 48 hours. The City will make every effort to ensure that it provides reasonable accommodations to employees and applicants with disabilities unless the accommodations create undue hardship for the City.

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Terms used in this section have the following general meanings:

- **Qualified employees and applicants with disabilities** are: employees or applicants with disabilities who can perform the essential functions of the job they are seeking to hold with or without reasonable accommodations.
  
- **Employees or applicants with disabilities** are those: whose physical or mental impairments substantially limit one or more major life activities (for example, walking, hearing or seeing) and have a record of such impairments or who are regarded as having such impairments.

Note: Temporary, non-chronic impairments of short duration with little or no residual effects (such as the common cold, seasonal or common influenza, a sprained joint, minor and non-chronic gastrointestinal disorders, or a broken bone that is expected to heal completely) usually will not substantially limit a major life activity and will therefore not be considered a disability.

- **Reasonable accommodations** are: modifications or adjustments to applicants' or employees' work environment or schedule that allow them to perform the essential functions of the job they seek or hold unless the accommodations create undue hardship on the City.

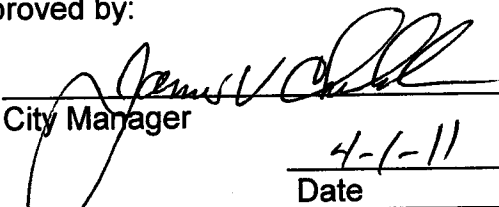
**D. REASONABLE ACCOMMODATION – RELIGION**

The City values the diversity of its workforce and recognizes that in a diverse environment, employees will differ in their religious beliefs and practices. The City will provide reasonable accommodations to employees whose sincerely held religious beliefs interfere with specific work rules or requirements, unless such an accommodation results in an undue hardship to the City. Should you need an accommodation, you are encouraged to put such a request in writing to your supervisor. If for any reason you are uncomfortable approaching your supervisor, or you feel that the matter is not being adequately addressed, you should bring the matter to the attention of the next level of management or to Human Resources or to the Assistant City Manager, preferably within 48 hours.

**E. ANTI-RETALIATION POLICY**

Employees will not be penalized or retaliated against for reporting improper conduct that they have a good faith reasonable belief constitutes a violation of the City's Personnel Policies or of federal or state law or for assisting in the investigation of such matters. The filing of a complaint will not be used or held against the employee, nor will it have an adverse impact

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on his or her employee status. This does not preclude disciplinary action against an employee who knowingly files a false complaint.

### F. RESOLUTION PROCEDURES

Any employee or job applicant who feels he or she has been discriminated, harassed and/or retaliated against, or has witnessed or become aware of conduct that he or she believes to be discrimination, harassment and/or retaliation on the basis of RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, SEX, HANDICAP, DISABILITY, VETERAN STATUS, GENETIC INFORMATION OR MARITAL STATUS should use the procedure outlined below.

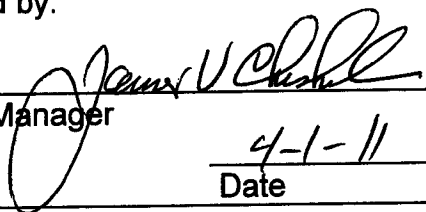
#### 1. Employee Complaints to Chain of Command:

- a. The employee should promptly notify their supervisor, division head, or department head. The supervisor, division head, or department head will immediately notify the Assistant City Manager who will ensure that the situation is promptly and thoroughly investigated; or
- b. If the employee does not desire to report the matter through the chain of command, the employee may report the matter directly to the Assistant City Manager as provided below.
- c. An employee who believes that he or she is being harassed by any other employee may firmly and promptly notify the offender that the behavior is improper and unwelcome should also promptly notify his or her supervisor, division head, or department head as described in Section (1)(a) of this Section.

#### 2. Complaints to the Assistant City Manager:

Employees and applicants may file allegations of discrimination directly with the Assistant City Manager located in the City Manager's Office at City Hall. The Assistant City Manager shall attempt resolution of all complaints by thoroughly investigating the matter, and meeting with the principals involved. A report of the investigation, including findings and recommendations regarding the matter, shall be made by the Assistant City Manager as soon as practicable, given the rigors of the investigation. If it is determined that applicable policies, laws, or procedures have been violated, the City will take appropriate corrective action.

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All allegations or complaints of discrimination, harassment and/or retaliation will be investigated promptly and impartially. To the extent possible and as permitted by law, all investigations will remain confidential. However, at the conclusion of the investigation of a complaint, all records become public records, in accordance with applicable Florida Statutes.

If the investigation indicates that discrimination, harassment and/or retaliation did occur, the offending party will be subject to disciplinary action up to and including termination, depending on the circumstances of the offense.

**In summary, the City will not tolerate discrimination, harassment, or retaliation as described above. Violators of this policy will be subject to disciplinary action up to and including termination. For the City to effectively enforce this policy it is important that complaints of discrimination, harassment, or retaliation be raised promptly and that they be accompanied by as much detailed information and documentation as possible.**