

ORDINANCE NO. 1016

**AN ORDINANCE AMENDING THE HOLLYWOOD PARK EMPLOYEE MANUAL**

**WHEREAS**, the Town of Hollywood Park is a general law Type A municipality; and

**WHEREAS**, the Town must maintain an orderly and efficient workplace; and

**WHEREAS**, the Town's policies are reviewed and adjusted from time-to-time to ensure current law and compliance; and

**WHEREAS**, the Town Council believes it should adjust the personnel policy manual; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS** that the Town Council amends the following sections and adopts Section 14.035 as an addition to the personnel policy manual, and all sections referenced herein shall be incorporated into personnel policy manual as the official policies of the Town.

I.

**2.08 CHAIN OF COMMAND**

In order for the City to function properly as an organization, it is necessary that employees adhere to the City's chain of command, unless otherwise specified in this manual. Employees are to follow the chain of command in seeking administrative or operational decision. (See Organizational Chart - Appendix.)

**14.01 POLICY**

It is the policy of the City insofar as possible to prevent the occurrence of grievances and to deal promptly with those which occur. No adverse action will be taken against an employee for reason of his or her exercise of the grievance right.

A grievance may be filed by an employee on one or more of the following grounds: improper application of rules, regulations and procedures (but not the rules, regulations and procedures themselves); unfair treatment; harassment, illegal discrimination based on race, religion, color, sex, age, disability, or national origin, genetic information, sexual orientation, or gender identity; disciplinary action taken without just cause; improper application of fringe benefits; or improper working conditions.

The Town of Hollywood Park follows a progressive grievance procedure which ensures the employee due process in the City's consideration of his or her work-related grievances: the right to be represented, the right to mount a defense, and the right to present written response(s) regarding resolution of the grievance.

If an employee has a grievance against a fellow employee who is not a supervisor, or a third-party from outside the City the employee should file the grievance with their immediate supervisor. If the grievance is against a supervisor, department head or against a member of the City Council, the employee may file their

grievance directly with the Mayor. If the grievance is against the Mayor, the employee must file their grievance with the Mayor Pro Tem. The Mayor or Mayor Pro Tem shall advise the entire City Council within a reasonable time after receiving any grievance.

#### **14.02 FINAL AUTHORITY**

Grievances can be appealed through the immediate supervisor to the Mayor, unless otherwise specified in this personnel manual. The Mayor's decision is final, as to all employees who report to the Mayor and/or City Administrator. For any employees who, by express virtue of a City ordinance, report only to the City Council, may appeal any grievance directly to the City Council.

#### **14.03 PROCEDURE**

**Informal Grievances.** For employee to employee grievances, the first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her immediate supervisor. If informal conference with the supervisor does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she must file a formal, written grievance in order to proceed with the grievance procedure.

**Formal Grievances.** Formal grievances must be in writing, signed by the employee, and presented to appropriate person as outlined in Section 14.01. A statement of the specific remedial action requested by the employee must be included in the written grievance.

After being presented with a written and signed grievance, the person receiving the grievance will (1) consult with his or her Department Head, if applicable (2) notify Human Resources office, (3) attempt to resolve the grievance with the employee and (4) communicate the decision to the employee in writing within a reasonable time , sending copies to the Human Resources office and Department Head.

An employee who receives no written resolution or is not satisfied with the proposed resolution, must appeal in writing to the next level. The person or body receiving the appeal will (1) review the facts of the grievance; (2) meet with the grievant, grievant supervisor, and such other persons as may be necessary; (3) attempt to resolve the grievance within a reasonable time after receipt of the grievance; and (4) respond in writing to the employee within a reasonable time sending copies to the Human Resources office and the Mayor and City Administrator, if applicable.

If the employee either receives no written resolution from the person or body receiving the appeal within a reasonable time from the date the appeal was filed, or the employee is not satisfied with the proposed resolution, he or she must file a written appeal to the next level in order to proceed with the grievance procedure. The person or body receiving the appeal will review the facts and the file, meet with the parties involved, and respond in writing to the employee. The decision of the Mayor is final as to all employees who report to the Mayor. For any employees who, by express virtue of a City ordinance, report only to the City Council, such employee must provide a written appeal directly to the Mayor or Mayor Pro Tem who shall present such appeal to the City Council. The decision of the City Council is final.

If, during any pending grievance, the Mayor deems it necessary to hire a neutral, third party, to investigate

the grievance, the Mayor may employ such outside third party at a reasonable cost.

Copies of all documentation relating to the grievance will be forwarded to the Human Resources office immediately upon conclusion of each step in the grievance process to be placed in the employee's personnel file.

If the employee is dissatisfied with any proposed resolution during the grievance process, he or she must appeal to the next step. Failure to appeal presumes that the employee is satisfied with the latest resolution.

#### **14.035 HARASSMENT**

As an equal opportunity employer, and in the interest of maintaining a workplace that is free from an intimidating, hostile or offensive environment, the Town of Hollywood Park has a policy of prohibiting any form of unlawful harassment or bullying in the workplace. In accordance with this policy, the following conduct, directed towards any individual by any employee, supervisor, third-party or City Official is strictly prohibited.

**1. Sexual Harassment.** The Town prohibits employees, supervisors, managers, third-party and City officials from engaging in any form of sexual harassment in the workplace, including:

- 1) Unwelcome sexual advances.
- 2) Requests for sexual favors.
- 3) Any other offensive conduct of a sexual nature.

It is against Town policy for any employee to be subjected to any form of sexual harassment as a condition of employment or as the basis of employment decisions affecting the employee. In addition, all employees, supervisors and City officials are prohibited from engaging in conduct or activities of a sexual nature that would tend to create an offensive or hostile working environment.

Examples of conduct that would tend to create an offensive or hostile work environment include, but are not limited to comments, statements or jokes of a sexual nature; flirting, advances and propositions; verbal abuse; inappropriate comments about a person's body or appearance; sexting; leering, whistling, touching, shoulder rubbing; suggestive comments and remarks; display of sexually oriented material.

**Reporting Harassment and Investigation.** Any employee who is subjected to sexual harassment or who witnesses harassment should immediately report the incident to his or her supervisor, or to another member of management, or to Human Resources, or in appropriate cases directly to the Mayor or Mayor Pro Tem. Complaints will be thoroughly investigated, and appropriate disciplinary action will be taken against anyone who engages in such prohibited conduct.

**Non-Retaliation.** The Town will not tolerate any form of retaliation against employees who report incidents of sexual harassment or who participate in a sexual harassment investigation. The prohibition against retaliation extends to supervisors, co-workers and City officials alike. Any employee who believes he/she has been retaliated against, should immediately report the incident to Human Resources, or to the Mayor or Mayor Pro Tem. Any employee who engages in any form of retaliation will be subject to discipline, up to and including termination.

**Disciplinary Action.** If an investigation discloses that an employee was subjected to sexual harassment or to a hostile working environment, appropriate disciplinary action will be taken against the harasser.

Depending on the circumstances and the severity of the conduct, discipline may consist of a written warning and counseling, suspension, final warning or immediate termination.

**2. Other Forms of Harassment.** Harassment based on other unlawful factors or characteristics is likewise prohibited, including harassment based on:

- Race, Color, National Origin
- Religion
- Age
- Disability
- Veteran Status
- Genetic Information
- Sexual Orientation
- Gender Identity
- Any other status protected by applicable local, state or federal law.

Conduct or activities that would tend to create an offensive or hostile working environment are strictly prohibited. To assure compliance with this policy, employees, supervisors and City officials are prohibited from statements or comments of a racial or ethnic nature, or comments that disparage an individual's religion, age, disability, veteran status, family medical history, sexual orientation or gender identity; posting or display of offensive materials; bullying or abusive conduct or language; derogatory remarks; offensive and inappropriate gestures; and other similar conduct.

The reporting procedures, investigation procedures, measures of discipline, and non-retaliation policy described for sexual harassment complaints are applicable to complaints of other forms of unlawful harassment.

**3. Bullying.** Repeated inappropriate behavior, whether verbal, physical or otherwise, conducted by one or more persons against another or others, in the workplace and/or in the course of employment is prohibited. The following types of behavior are examples of bullying:

- **Verbal bullying:** verbally abusive expressions which are intended to reasonably harm the person at which they are directed, insulting or humiliating expressions; using a person as butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property
- **Gesture bullying:** Nonverbal threatening gestures; glances that can convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace: persistent singling out of one person, shouting or raising voice at an individual in public or in private in an intimidating manner;; use of offensive nicknames; public humiliation in any form; constant criticism on matters unrelated or minimally related to the person's job performance

or description; work-overload, unrealistic deadlines, meaningless tasks; being held to a different standard than the rest of an employee's work group; spreading rumors and gossip regarding individuals; unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property or family.

The reporting procedures, investigation procedures, measures of discipline, and non-retaliation policy described for sexual harassment complaints are applicable to complaints of bullying conduct.

**II.  
CUMULATIVE CLAUSE**

That this Ordinance shall be cumulative of all provisions of the Town of Hollywood Park except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**III.  
SEVERABILITY**

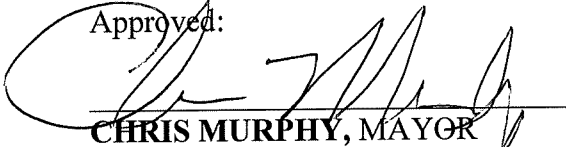
That it is hereby declared to be the intent of the Town Council of the Town of Hollywood Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the Town Council without incorporation in this ordinance of any such unconstitutional phrases, sentences, paragraphs, or sections.

**IV.  
PROPER NOTICE AND MEETING**

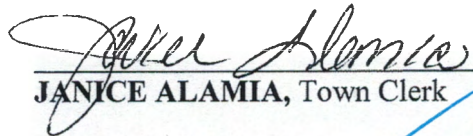
It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**V.  
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law. **Passed** by the Town Council of the Town of Hollywood Park this the 20 day of AUG 2019.

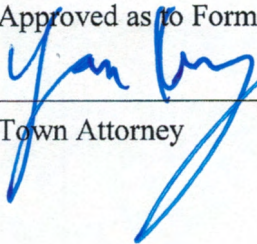
Approved:  
  
CHRIS MURPHY, MAYOR

Attest:

  
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JANICE ALAMIA, Town Clerk

Approved as to Form:

  
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Town Attorney