



City of Santa Ana
Administrative
Policies and Procedures

[Signature]
City Manager's Authorization

Section

Human Resources

Subject

ANTI-FRATERNIZATION POLICY

Date

December 3, 2018

Number

I. PURPOSE

To establish reporting guidelines and procedures to protect the City from the impact of claims that may result from sexual harassment, retaliation, favoritism, misuse of authority, misunderstanding, or potential conflicts of interest as a result of fraternization among City staff, contractors and/or volunteers.

II. POLICY

It is not the City's intention to discourage or dictate choices made in employees' personal lives with this Policy. Employees are encouraged and remained free to develop relationships and socialize with co-workers outside the workplace during their personal time. However, romantic relationships between individuals in the workplace can raise significant concerns and sometimes lead to misunderstanding, dissension, lack of productivity, and morale problems. In particular, relationships between supervisors and subordinates can lead to actual, perceived, or potential conflict of interests or other negative workplace issues. It is important to note that public employees are required to abide by high standards to insure a harassment-free workplace. For the listed reasons, the City will vigorously enforce this Policy consistent with all applicable federal, state, and local laws.

PROHIBITED RELATIONSHIP

1. Members of the Executive Management Team (EMT), including those directly appointed by the City Council are strictly prohibited from engaging in romantic or intimate relationships with their subordinates, or line employees of any City operating departments.
2. Managers and supervisors are prohibited from being romantically involved with subordinate employees that they manage within their own department. This Policy includes interns, temporary employees, and volunteers.
3. All managers, supervisors, and "at-will" employees may be subject to additional restrictions regarding fraternization as determined by their respective Executive Director, with the final approval of the Executive Director of Human Resources.
4. Any employee who becomes romantically involved with any other employee in his or her supervisory chain, or supervisors who become aware of a romantic relationship

between employees in the supervisory chain, must notify their respective Executive Director or the Executive Director of Human Resources.

5. When a promotion, transfer, placement or assignment of individuals engaged in such relationships creates a reporting relationship in violation of the Policy, both individuals must inform the next higher level in the supervisory chain of command within 30 calendar days.
6. To the extent possible, the City and/or the Human Resources Department will work with employees to attempt to devise a working solution that best fits the needs of the City. However, employees engaged in a romantic, sexual or intimate relationship will not be allowed to continue to be in the position of supervisor and subordinate.

III. DEFINITIONS

- a. **Fraternization:** personal relationships between individuals in the workplace that are romantic, sexual, or intimate on an occasional or continuous basis.
- b. **Managers:** any position where the job classification is designated as an Administrative Manager ("AM"), Middle Manager ("MM"), and Sworn Managers (PMA).
- c. **Supervisors:** Persons in the first-line of supervision who, review, assign, regulate, monitor and evaluate the work of employees report to them on the daily basis.
- d. **Romantic, Sexual or Intimate Relationship:** involvement between individuals that involves dating, exchange of personal affection, physical intimacy and/or cohabitation.
- e. **Scope of Authority:** the full extent of power or assigned responsibility over other individuals or subject matter required for the performance of job duties.

IV. ENFORCEMENT

Any employee who becomes romantically involved with any other employee in violation of this Policy, or supervisors who become aware of a romantic relationship between employees in the same supervisor chain, must notify their respective Executive Director or the Executive Director of Human Resources within 30 calendar days that the supervisor learned or reasonably should have learned of the relationship.

If an actual, perceived or potential conflict or negative workplace issue exists as a result of a romantic relationship between a supervisor and a subordinate, the City may take whatever action it deems appropriate according to the circumstances, including but not limited to transfer, shift change, or termination. It shall be the City's right to determine – in its sole discretion – whether a conflict or workplace exists and which employee will be transferred, have his or her shift change, or be terminated.

At the direction of the Executive Director of Human Resources, the City reserves the right to conduct an investigation requiring full cooperation of the parties to determine whether a relationship exists that would present a possible violation of this Policy.

If none of the above options are exercised and the continued employment of individuals in a relationship prohibited by this Policy cannot be accommodated, the City retains the right

to separate one or both of the individuals from employment, consistent with the City's due process procedures and Civil Service rules where applicable.

Individuals who fail to report romantic, sexual or intimate relationships per the provisions of this Policy will be subject to disciplinary action up to and including termination from employment.

V. RELATED POLICIES

All employees are reminded that the City maintain a strict policy against unlawful harassment of any kind, including sexual harassment. Any employee who believes that he or she is being harassed as a result of a personal relationship or the end of a personal relationship should report his or her concerns to supervisors or the Executive Director of Human Resources, as provided in the City's Anti-Harassment Policy.

VI. APPLICABILITY

This policy applies to ongoing fraternization by anyone governed by this Policy as of the effective date of this Policy. This Policy requires notification of the ongoing fraternization as outlined in the Policy within 30 calendar days of the effective date of this Policy.

This policy is not intended to discourage friendships or social activities among employees or individuals.

VII. ACTION

This Policy is effective this date, JANUARY 01, 2019.