



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council Date: April 22, 2014

From: Nikki Salas, Director of Human Resources And Risk Management
Human Resources Department Item No: 2

Subject: RESOLUTION NO. 2014-11 - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL

T.M. Approval: _____

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

That the Town Council adopt the attached Resolution No. 2014-11, a Resolution of the Town Council of the Town of Apple Valley adding Rule 20 – Fraternalization Policy to the Personnel Policies and Procedures for the Town of Apple Valley.

SUMMARY:

The Human Resources Department is proposing the Town Council adopt Resolution Number 2014-11 adding Rule 20 – Fraternalization Policy to the Town's Personnel Policies and Procedure Manual.

BACKGROUND:

The current language in the Personnel Policies and Procedures does not address fraternization among Town staff. After receiving questions from Town staff and Department supervisors on fraternization among employees, the Human Resources Department sought clarification from the Town Attorney's Office. Legal counsel recommended the addition of this policy to the Town's Personnel Policies and Procedures Manual.

FISCAL IMPACT:

There is no financial impact with this amendment to the Personnel Policies and Procedure Manual.

RESOLUTION NO 2014-11

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY
AMENDING THE PERSONNEL POLICIES AND PROCEDURES FOR THE TOWN OF
APPLE VALLEY**

WHEREAS, the Town Council of the Town of Apple Valley has established Personnel Policies and Procedures for the Town of Apple Valley employees; and

WHEREAS, the Town Council of the Town of Apple Valley wishes to modify the Personnel Policies and Procedures for the Town of Apple Valley employees; and

WHEREAS, the Town Council of the Town of Apple Valley wishes to add Rule 20 – Fraternalization Policy to the Personnel Policies and Procedures.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Rule 20 – Fraternalization Policy shall be added to the Town’s Personnel Policies and Procedure Manual as outlined in Attachment A.

Unless otherwise noted, the effective date of this Resolution shall be April 22, 2014.

APPROVED and **ADOPTED** by the Town Council of the Town of Apple Valley this 22nd day of April 2014.

Art Bishop, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

ATTACHMENT A

RULE 20 - FRATERNIZATION POLICY

The Town desires to avoid misunderstandings, actual or potential conflicts of interest, and complaints of favoritism, possible claims of sexual harassment, and the employee morale and dissension problems that can potentially result from romantic relationships or other fraternization between Town employees.

It is not the Town's intention to dictate choices made in employees' personal lives with this policy. Employees remain free to develop relationships and socialize outside the workplace during their personal time. However, romantic and personal relationships with co-workers can raise significant concerns in the workplace and sometimes lead to dissension, lack of productivity, and morale problems – for employees who are involved in the relationship as well as their co-workers. In addition, employees must understand that public employees are required to abide by high standards to insure a harassment-free workplace. For all of these reasons, the Town will vigorously enforce this policy consistent with all applicable federal, state, and local laws.

Section 1. Prohibited Relationships

A. Supervisors are prohibited from becoming romantically involved with subordinate employees that they manage, directly or indirectly through the chain of command.

B. All employees, both supervisory or non-supervisory, are prohibited from fraternizing or becoming romantically involved with other employees of the Town when, in the sole opinion of the Town, their personal relationship may create or is creating a conflict of interest, disruption in the workplace, negative or unprofessional work environment, or presents concerns regarding supervision, safety, security or morale.

Section 2. Procedures

A. 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 same supervisory chain, must notify the Human Resources Director immediately of the existence of the relationship, so that a determination can be made as to whether the relationship presents an actual, perceived or potential conflict of interest or other negative workplace issue.

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

C. Any employee involved in a romantic relationship with an employee in his or her supervisory chain, or a supervisor who is aware of such a relationship, must advise the Human Resources Director when any such relationship ends, so that a determination can be made as to whether a conflict of interest or similar issue exists and needs to be addressed.

D. Failure to disclose the existence of or end of a personal romantic relationship listed above may lead to disciplinary action, up to and including termination (of both employees and/or the supervisor who was aware of the relationship and failed to properly report the relationship).

E. If, in the sole opinion of the Town, an employee's fraternization or personal relationship with another Town employee (including non-romantic relationships) may create or is creating a conflict of interest, disruption in the workplace, negative or unprofessional work environment, or if the relationship presents concerns regarding supervision, safety, security or morale, the Town may take whatever action it deems appropriate according to the circumstances, including but not limited to transfers, shift changes, or termination.

Section 3. Related Policies

A. All employees should also remember that the Town maintains a strict policy against unlawful harassment of any kind, including sexual harassment. Any employee who believes that he or she is being harassed because of a personal relationship or the end of a personal relationship should report his or her concerns immediately to the Human Resources Director or supervisor, as provided in Rule 8 – Policy against Employee Harassment.

This is to acknowledge that I have received, have read, and understand the Town's Fraternization Policy.

Date: _____ Signature: _____

Printed Name: _____