

# MEMORANDUM

Agenda Item No. 11(A)(4)

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**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

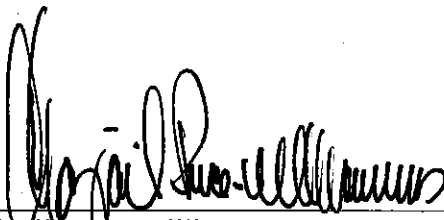
**DATE:** April 10, 2018

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution directing the Mayor to conduct an analysis of Miami-Dade County's sexual harassment policy and consider updating the policy to bring in line with current best practices nationally, and directing the Mayor to provide a report to the Board describing how the County's sexual harassment policy has been used in the past and any recommended changes to the existing policy

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava and Co-Sponsor Commissioner Rebeca Sosa.

  
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Abigail Price-Williams  
County Attorney

APW/smm



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** April 10, 2018

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(4)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A)(4)

Veto \_\_\_\_\_

4-10-18

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S  
DESIGNEE TO CONDUCT AN ANALYSIS OF MIAMI-DADE  
COUNTY'S SEXUAL HARASSMENT POLICY AND  
CONSIDER UPDATING THE POLICY TO BRING IN LINE  
WITH CURRENT BEST PRACTICES NATIONALLY, AND  
DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO  
PROVIDE A REPORT TO THE BOARD DESCRIBING HOW  
THE COUNTY'S SEXUAL HARASSMENT POLICY HAS  
BEEN USED IN THE PAST AND ANY RECOMMENDED  
CHANGES TO THE EXISTING POLICY

**WHEREAS**, in the past year, there has been an unprecedented demonstration of courage from victims of sexual misconduct who are speaking out as never before about their encounters, calling out perpetrators and expressing the need for proactive prevention; and

**WHEREAS**, Miami-Dade County aspires to model best employment practices for our community, state and nation; and

**WHEREAS**, Miami-Dade County affirms the right of every employee to be free from harassment; and

**WHEREAS**, in light of the national outpouring of stories of sexual harassment and calls for change, many stakeholders have gathered to take action to move our country forward; and

**WHEREAS**, in November of 2017, the U.S. Equal Employment Opportunity Commission (EEOC) released a new document identifying "promising practices" for preventing harassment in the workplace; and

**WHEREAS**, these practices include five core principles: leadership, accountability, an effective harassment policy, an effective harassment complaint system, and effective harassment training; and

**WHEREAS**, the task force that drafted these practices cites leadership and accountability as hallmarks of a successful harassment prevention program, and states that leaders can show their commitment by, among other actions: 1) clearly and frequently communicating that harassment is prohibited; 2) enforcing and complying with their organization's anti-discrimination policies; and 3) allocating enough resources to make their harassment strategies effective; and

**WHEREAS**, Administrative Order 7-6 containing the County's Personnel Policy on Equal Employment Opportunity was adopted in 1972; Administrative Order 7-28 containing the County's Sexual Harassment Policy was adopted in 1987; and the last time that Miami-Dade County's Unlawful Harassment Policy was updated was in 2000 with the adoption of Administrative Order 7-37, which established a uniform policy for all forms of unlawful harassment, and our world has changed greatly since that time; and

**WHEREAS**, it is now time for a comprehensive review and update of our County's harassment policy in light of these new best practices from the EEOC; and

**WHEREAS**, we need an analysis of how our sexual harassment policy has been applied and how it compares to best practices nationally,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

**Section 1.** The Mayor or Mayor's designee is directed to conduct an analysis of Miami-Dade County's sexual harassment policy, and to submit a report to the Board with information on how often the County's sexual harassment policy has been used in the past 20 years, by how many people, the number of claims brought and settled, and the total amount the County has paid out in settlements related to sexual harassment, if any.

**Section 2.** The Mayor or Mayor's designee is further directed to consider updating the County's sexual harassment policy to bring it in line with best practices nationally, and to include in the report whether the Mayor is recommending any changes to address:

- committed and engaged leadership;
- consistent and demonstrated accountability;
- strong and comprehensive harassment policies;
- trusted and accessible complaint procedures;
- regular, interactive training tailored to the audience and the organization;
- a harassment policy that is comprehensive, easy to understand, and regularly communicated to all employees;
- a harassment complaint system that is fully resourced, is accessible to all employees, has multiple avenues for making a complaint, if possible, and is regularly communicated to all employees;
- regular and effective training for all employees about the harassment policy and complaint system; and
- regular and effective training of supervisors and managers about how to prevent, recognize, and respond to objectionable conduct that, if left unchecked, may rise to the level of prohibited harassment.

**Section 3.** The Mayor or Mayor's designee is further directed to submit the report described in this resolution to this Board within 90 days of the effective date of this resolution and to place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava and the Co-Sponsor is Commissioner Rebeca Sosa. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 10<sup>th</sup> day of April, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Marlon D. Moffett