

RESOLUTION NO. 23-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, CONDEMNING BULLYING AND ABUSIVE CONDUCT AGAINST ANY PERSON AND ADOPTING AN ANTI-ABUSIVE CONDUCT POLICY APPLICABLE TO ELECTED OFFICIALS OF THE CITY OF CARSON

WHEREAS, bullying and abusive conduct are serious and widespread problems, and generally have been found to occur in all cities and states in the country; and

WHEREAS, the American Psychological Association defines bullying/abusive conduct as a form of aggressive behavior in which someone intentionally and repeatedly causes another person injury or discomfort; and

WHEREAS, according to a 2021 survey conducted by the Workplace Bullying Institute, about 30% of workers have direct experience being bullied in the workplace and an additional 19% have witnessed it; and

WHEREAS, bullying and abusive conduct can take many physical, verbal, and written forms, including subtle actions; and

WHEREAS, bullying/abusive conduct can greatly affect a person's health and well-being, and the City has adopted or is in the process of adopting an anti-abusive conduct policy for employees of the City; and

WHEREAS, the City Council also desires to adopt an anti-abusive conduct policy that will be applicable to all elected and appointed officials of the City, including but not limited City Council, Mayor, City Treasurer, City Clerk, and appointed members of any commission or board of the City; and

WHEREAS, the City Council affirms its commitment to ensuring the City of Carson remains a safe and welcoming environment for all who live, work, or visit here; and

WHEREAS, the City will continue its work, in cooperation with its community partners, to ensure its services and programs are accessible and open to all individuals.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. The City Council strongly condemns any acts of bullying and abusive conduct

against anyone in the City and reiterates its commitment to creating a safe and inclusive environment for all.

SECTION 3. The City of Carson will not tolerate any form of harassment, discrimination, bullying, or abusive conduct and will continue to work with the community to promote understanding, respect, and empathy for all individuals.

SECTION 4. The City Council hereby adopts the following anti-abusive conduct policy applicable to all elected and appointed officials of the City, including the City Council, Mayor, City Treasurer, City Clerk, and appointed members of any commission or board of the City.

A. Definitions

1. “Abusive conduct” or “Bullying” means, as defined in Government Code Section 12950.1(g)(2), conduct of an employer, employee, or City Official in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employee’s or official’s legitimate business interests. For example, abusive conduct may take the form of, but not be limited to, repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance. A single act shall not constitute abusive conduct, unless especially severe or egregious.
2. “City Official” means any elected official (City Council, Mayor, City Treasurer, or City Clerk) or appointed official serving on any City of Carson board or commission.

B. Prohibited Conduct

1. City Officials are prohibited from engaging in abusive conduct. Evaluative work performance comments or communications by relating to work deficiencies, constructive feedback, and counseling are appropriate and reasonable business interests, and shall not constitute abusive conduct or bullying.
2. City Officials are prohibited from engaging in retaliation. Actions taken against a City Official for breaking confidentiality clauses and/or laws, do not constitute retaliation. Actions taken against a City Official for violating City policies and procedures do not constitute retaliation.

C. Procedure

1. Complaints of Abusive Conduct. If any City official believes that he or she has been subjected to workplace bullying/abusive conduct or retaliation, he or she has the right to and should report the incident to the Department of Human Resources or the City Attorney’s office.
2. The Director of Human Resources, or a designee, or the City Attorney’s office, as the

case may be, shall interview, or cause to be interviewed, the individual filing a complaint. The individual may be accompanied by a person of his or her choice, as long as that person is not an involved party or a witness. Other individuals will be interviewed as necessary.

3. Complaints will be accepted in writing or orally, and any anonymous complaint will be taken seriously and investigated, either internally or through a third party investigator. Notification to the City is essential. The individual may be assured that they will not be penalized in any way for reporting abusive conduct or retaliation.
4. Complaints will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable.
5. Except as otherwise provided by law, it is a violation of this policy for any individual involved in the investigation to discuss any aspect of the investigation with other individuals or to conduct their own investigation at any time.
6. If it is determined that a violation of this policy has occurred, the City will act promptly to correct the offending conduct, and where it is appropriate, censure, further legal action, and/or removal from a City commission or board may be taken.

D. Miscellaneous

1. All City officials will receive guidance on the provisions of this policy and the City's commitment to provide a workplace free from abusive conduct and retaliation. In addition, all City Officials will be trained in accordance with the legal requirements of the Government Code and implementing regulations.
2. While the City vigorously defends one's right to work and be in an environment free of abusive conduct and retaliation, it also recognizes that false accusations of such actions can have serious consequences. Accordingly, anyone who is found, through the investigation process, to have knowingly falsely accused another person of unlawful abusive conduct or retaliation will be subject to appropriate censure, further legal action, and/or removal from a City commission or board.

SECTION 5. This Resolution shall take effect immediately upon its adoption.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 6th day of June, 2023.

Lula Davis-Holmes, Mayor

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney

ATTEST:

Dr. Khaleah K. Bradshaw, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CARSON)

I, Khaleah Bradshaw, City Clerk of the City of Carson, do hereby certify that the foregoing Resolution, being Resolution No. 23-102, was passed and approved by the City Council of the City of Carson at its meeting held on June 6, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dr. Khaleah K. Bradshaw, City Clerk