



## EMPLOYEE RELATIONS

### 602.3 – DEALING WITH ALLEGATIONS OF DISCRIMINATION AND/OR PROHIBITED CONDUCT/BEHAVIOR(S) POLICY

- 1. Policy Purpose:** To create a policy that outlines the process for District employees to report allegations of discrimination and/or prohibited conduct/behavior(s) identified in Policy 602.2.

**Policy Coverage:** This policy is applicable to all employees (represented and non-represented, part-time (hourly), temporary/casual/seasonal, provisional, volunteers, as well as contract workers) of the East Fork Fire Protection District.

**Adopted Date:** 12/18/2018

**Revised Date:** N/A

**Policy #:** 602.3

*\*\*The procedure established in this policy will be superseded and have no effect when covered by a similar or conflicting provision in a Collective Bargaining Agreement and/or Administrative Order. For detailed information, please refer to your Collective Bargaining Agreement or Administrative Order. \*\**

- 2. Policy:**

- A. Process**

Employees or applicants who believe they are being discriminated against or subjected to any form of prohibited conduct/behavior(s) as described in this policy by another (e.g. employee, client, customer, vendor, volunteer, contractor, etc.) because of their race, color, religion, age, gender, pregnancy, sexual orientation, sexual harassment, national origin, ancestry, disability, veteran status, genetic information, or domestic partnership, gender identity or expression, political affiliation, membership in the Nevada National Guard, or any other class that becomes protected by federal and/or state law, as well as those who have been subjected to other prohibited conduct, and those who believe they have witnessed another employee, client or member of the public being subjected to prohibited conduct/ behavior(s), have an affirmative duty to bring the situation to the attention of the District. Employees covered by a collective

bargaining agreement may opt to use the process described in this policy or in an applicable grievance procedure delineated by their collective bargaining agreement but may not use both.

## B. Employee Responsibilities

Employees who believe they personally are being or have been subjected to prohibited conduct/behavior(s), including sexual harassment and/or are the target of any form of prohibited conduct/behavior(s), or have witnessed any other employee being subjected to these behaviors, should immediately report the alleged discrimination and/or prohibited conduct/behavior(s), and will be asked to complete a complaint form (See Policy 602.3F). Employees will:

1. If safe and the employee feels comfortable doing so, the employee should request that the harasser stop the harassing behavior.

*Note:* An employee is NOT required to talk directly to the alleged harasser or to the employee's supervisor. It is critical, however, that the employee contacts one of the individuals listed in sections 2 or 3 below if s/he believes s/he is being targeted or has witnessed what the employee believes to be prohibited conduct/behaviors(s) directed to or committed by another employee(s), client(s), customer(s), vendor(s), contractor(s), etc.

2. If the employee feels uncomfortable in speaking directly to the alleged harasser or if the employee requested the prohibited conduct/behavior(s) to cease, but the request did not produce the results desired, the employee should report the conduct/behavior(s) as soon as possible to a supervisor or manager or to the District's designated EEO Officer, Executive Office Manager (Human Resources) – (*Note:* Executive Office Manager can represent both EEO Officer and Human Resources), or the District Fire Chief, or his designee.
3. Employees who believe the EEO Officer has engaged in prohibited conduct/behavior(s) should bring such concerns to the attention of the alternate EEO Officer or to the District Fire Chief. Employees may also report the conduct/behavior(s) to any District Board member, Department Head, or the District's legal counsel. In either case, the recipient of the request will designate an objective person to conduct an independent impartial investigation into the allegations.
4. An employee who witnesses or obtains information regarding prohibited conduct/behavior(s) by his/her immediate supervisor is required to report the incident to the EEO Officer or Executive Office Manager (Human Resources), or otherwise as described in subsection (3) above.

5. Applicants who have concerns regarding violations of this policy are encouraged to contact the designated EEO Officer or the alternate.

C. Supervisors/Managers responsibilities:

Regardless of whether the employee involved is in the supervisor's or manager's department and regardless of how s/he became aware of the alleged prohibited conduct/behavior(s), all supervisors and managers must immediately report all allegations or complaints or observations of such conduct/behavior(s) to the EEO Officer, Executive Office Manager (Human Resources), District Board Member, Department Head, or the District Fire Chief or his designee. The information must be completed on the appropriate form (see 602.3F). The information must include:

1. The persons(s) involved, including all witnesses;
2. A written record of specific conversations held with the accused and any witnesses; and
3. All pertinent facts, including date(s), time(s), and locations(s).

A supervisor's or manager's failure to immediately report such activities, complaints, or allegations will result in discipline, up to and including termination.

D. Investigation

Upon being made aware of allegations or complaints of prohibited conduct/behavior(s), the District will ensure that such allegations or complaints are investigated promptly. The District treats all allegations or complaints seriously and requires all employees to be candid and truthful during the investigation process.

The District will make efforts to ensure that all investigations are kept as confidential as reasonably possible. Employees will be requested to refrain from discussing the subject content with others, particularly while the investigation is in progress. Employees shall be required, upon request, to provide information to regulatory agencies. The District will release information obtained only to those individuals necessarily involved in the investigation and the administration of the complaint with a business need-to-know, or as required by law.

The District will communicate to the individual who made the initial complaint, as well as the individual against whom the complaint was made, will be made aware that the investigation is completed and appropriate action, if any, has been taken.

If evidence arises that a participant in the investigation made intentionally false statements, that employee will be disciplined, up to and including termination.

If it is determined that a violation of this policy has occurred, the District will take remedial action against the violator commensurate with the severity of the offense. Such remedial action may include, but is not limited to, counseling, verbal warning, written reprimand, transfer, demotion, suspension without pay, and/or termination. The District will also initiate action to deter any future prohibited conduct/behavior(s) from occurring.

Regarding disability-related complaints, the EEO Officer/ADA Officer/Human Resources and/or, the supervisor and/or the complainant, when appropriate, shall propose a resolution to the complaint based upon the findings of such investigation. Such resolution will include reasonable accommodation when the District determines that such a reasonable accommodation can be provided by the District.

#### E. Training

The District will provide training every two years to all employees on the prevention of discrimination and prohibited conduct/behavior(s) in the workplace. All new employees will be provided a copy of this policy upon hire and the contents will be discussed during the new hire orientation process. New employees will participate in training on the prevention of discrimination and prohibited conduct/behavior(s) as part of the new-hire orientation process. A copy of this policy will be made available to applicants upon request.

#### F. Prohibition Against Retaliation

Retaliation is adverse treatment which occurs because of opposition to prohibited conduct/behavior(s) in the workplace. The District prohibits and will not tolerate any retaliation by management or by any other employee against an employee who exercises his/her rights under this policy. Any employee who believes s/he has been harassed, retaliated or discriminated against in any manner whatsoever as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigative process, should immediately notify the EEO Officer or the alternate. The District will promptly investigate and deal appropriately with any allegation of retaliation.

**RESPONSIBILITY FOR REVIEW:** The District Fire Chief, or his designee and/or the Executive Office Manager, or his/her designee will review this policy every 3 years or sooner as necessary.