FLORENCE TOWNSHIP FIRE DISTRICT NO.1

280 DISCRIMINATORY WORKPLACE HARASSMENT POLICY & PROCEDURE

PURPOSE:

The purpose of this policy is to clearly establish the Florence Township Fire Department's commitment to provide a work environment free from harassment, to define discriminatory harassment, and to set forth the procedure for investigating and resolving internal complaints of harassment.

SCOPE:

This policy applies to all terms and conditions of volunteer membership and employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

POLICY:

Harassment of an applicant, client, contractor, business invitee, customer, volunteer, or employee, (a "worker") by a supervisor, management employee, coworker or covolunteer on the basis of race, religion, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender or age is explicitly in violation of state and/or federal law and will not be tolerated by the Florence Township Fire Department.

Volunteers or employees found to be participating in any form of job based harassment or retaliating against any worker shall be subject to disciplinary action up to and including termination from employment or membership.

RESPONSIBILITIES:

The Chief: He has the responsibility to develop this policy, keep it up to date, and to ensure that any violation of this policy brought to their attention is dealt with fairly, quickly, and impartially. The Chief is also required to set the proper example at all times.

Officers: It is the responsibility of all department officers to enforce the policy, to make ensure that all members know the policy and to make checks to ensure that the policy is being followed. When a deviation from this policy is noted or reported, officers shall bring this information to the chief immediately. Additionally, officers are required to set the proper example at all times.

Workers: It is the responsibility of each and every volunteer and employee to know the policy and to follow the policy. It is imperative that every volunteer and employee treat every worker with dignity and respect so as to facilitate a sound professional work environment.

DEFINITIONS:

For purposes of clarification, harassment includes, but is not limited to, the following behaviors:

Verbal Harassment – Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender or age, whether made in general, directed to an individual, or to a group of people regardless or whether the behavior was intended to harass. This includes, but is not limited to, inappropriate sexually oriented comments on appearance, including dress or physical features, sexual rumors, code words, and race oriented stories.

Physical Harassment – Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender or age. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission of physical acts.

Visual Forms of Harassment – Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings or pictures on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender or age. This applies to both posted material or material maintained in or on Florence Township Fire Department equipment or personal property in the workplace.

Sexual Harassment – Any act which is sexual in nature and is made explicitly or implicitly a term or condition of volunteer membership or employment, is used as a basis of a membership/employment decision, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

WORKPLACE RELATIONSHIPS

The First Amendment allows anyone to associate with anyone else they desire. It is natural for people who meet in the workplace to sometimes become romantically involved, and it is not the department's intent to interfere with any dating relationship. Any involvement between volunteers/employees must be voluntary and desired by both parties. However, many problems have developed in fire departments and other emergency service organizations because of dating relationships, and they can interfere with our goal of having a sound professional work environment. It is not inappropriate for a person to ask a coworker out. However, if you do not want to go out with a coworker, it is imperative that your response to the request is firm and definite. After this firm, definite response has been made; it is inappropriate for the requesting party to make any further attempt to initiate a dating relationship. Repeated requests for a dating relationship constitute sexual harassment. It is also inappropriate for any relationship to interfere with normal work operations in any manner. Personnel who desire to become involved with someone in the workplace must be aware of the following guidelines

1. There shall be no dating activities on department time.
2. There shall be no use of department property to arrange dating activities.
3. All behaviors between volunteer/employees shall be behavior conducive to a sound professional work environment at all times when on department property or on department time. Hand holding kissing, hugging, sexual comments and other behavior associated with a dating relationship are inappropriate while on department time or department property.

COMPLAINT PROCEDURE:

Confrontation – If any person feels they are the victim of any form of harassment, they should inform the person(s) participating in this behavior that he/she finds it offensive. This one-on-one confrontation has been demonstrated to be an effective way to end harassment behaviors. If the inappropriate behaviors do not stop, the offended volunteer/employee can report the offending behavior as described below. Because confrontation is difficult for some people and because of the complex nature of harassment, volunteers/employees are not required to confront an offending party prior to **REPORTING THE BEHAVIOR** .

REPORTING BEHAVIOR:

Any volunteer/employee, client, contractor, or membership/job applicant who believes he or she is a victim of discriminatory workplace harassment should make a complaint orally or in writing with any of the following:

1. Any departmental Officer; and
2. The Chief of the department.

Any officer who observes inappropriate behavior or receives a harassment complaint shall promptly notify the Chief.

Complaint:

1. Preliminary **REPORTING OF OFFENDING BEHAVIOR.**
2. Filing of a preliminary **REPORT OF OFFENDING BEHAVIOR.**
3. Any volunteer/employee, client, contractor, or membership/job applicant who alleges to be a victim of discriminatory workplace harassment should, within 30 calendar days of the alleged incident:
    1. Contact and report said behavior to any departmental Officer; or
    2. Contact the Chief of the department or one of the assistant Chiefs.

Time Extension

The party in charge of investigating the complaint may extend the time requirements set forth in this procedure when he/she determines it is in the best interest of fairness and justice to the parties involved.

Review of Preliminary Complaint

Upon notification of a **REPORT OF OFFENDING BEHAVIOR** , the officer and/or the chief shall conduct an initial investigation to make a preliminary determination as to whether there is any merit to the complaint. If no merit is found, the officer or chief may

still meet with the parties involved to attempt to conciliate the complaint or conflict between the parties.

Formal Complaint

If after an initial investigation is conducted, there is no resolution and/or conciliation of the preliminary complaint, the Chief will promptly issue written notice of the right to file a formal written complaint to the complainant via hand delivery, electronic means or by certified mail, return receipt requested. Should the complaintant choose to file a formal complaint, said report shall be signed, dated and shall describe in detail the facts asserted to constitute harassment. The complaint shall be filed with the Chief of the department within fourteen (14) calendar days after the complantant is notified of the right to file a formal complaint.

Upon receipt of the formal written complaint, the Chief will contact the alleged harasser(s) who will be informed of the basis of the complaint, will be given a copy of same, and will be provided an opportunity to respond. The response shall be in writing, signed by the alleged harasser(s) dated and addressed to the Chief of the department. Concurrently, a formal investigation of the complaint may be commenced.

Review of response and findings

Upon receipt of the response from the alleged harasser(s), the Chief may further investigate the formal complaint. Such investigation shall include an interview with the complainant, the accused harasser(s), and any other persons determined by the Chief to have relevant knowledge concerning the complaint. This may include victims of similar conduct, if any.

Factual information gathered through the investigation will be provided to the complaintant and the alleged harasser(s).

Disciplinary Action

If the investigations finding is that it is more probably than not that harassment in fact occurred, the Chief shall refer charges pursuant to the department's member/employee disciplinary SOP. The action will be commensurate with the severity of the offense, up to and including termination from membership/employment.

If it is determined by the Chief that it is more probable than not that harassment in fact did not occure, the Chief will promptly issue written notice to the complaintant that the complaintant has a right to present his or her complaint against the alleged harasser(s) at a hearing before the Board of Fire Commissioners. The notice shall advise the complaintant that it will be complaintants burden to present its proofs thrugh testimony and otherwise and bear the burden of proof before the Board that it was more probable than not that harassment occurred. The written notice shall be sent via hand deliver, electronic delivery or certified mail, return receipt, requested. The complaintant shall have fourteen (14) calendar days after being notified of his or her right to make a written request for a hearing to the Board of Fire Commissioners.

Retaliation

Retaliation in any manner against a person for filing a harassment charge or initiating a harassment complaint, testifying in an investigation, providing information or assisting in an investigation, is expressly prohibited and subject to disciplinary action up to and including termination from the membership/employment. The Chief will take reasonable steps to protect the victim from any retaliation as a result of communicating the complaint.

False Complaints

Any complaint made by a volunteer/employee of the Florence Township Fire Department regarding job based harassment which is conclusively proven to be false, shall result in discipline. This discipline may include dismissal from membership/employment. This section is not intended to discourage volunteers/employees from making complaints regarding job based harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

Limitations

The use of this procedure is limited to complaints related to discriminatory workplace harassment on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender or age. All other complaints shall be handled through the department's regular Disciplianry procedures.

Distribution

This policy shall be disseminated to all volunteers/employees and officers of the Florence Township Fire Department. Any questions concerns or comments related to this policy should be directed to the Chief or to the Board of Fire Commissioners.

Adopted:
Revised: 10-2016

Readopted: 10-2016