

<b>Subject:</b>	<b>WORKPLACE HARASSMENT</b>
<b>Section:</b>	<b>PPG# 2102</b>
<b>Chapter:</b>	<b>Personnel</b>
<b>Effective Date:</b>	<b>3/13/03</b>

## 1.0 POLICY

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- 1.1** McLane Fire and Life Safety is committed to provide a work environment free from all types of harassment. Harassment of an applicant, client, contractor, business invitee, customer or department member by a supervisor, management employee, or other department member 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 McLane Fire and Life Safety.
- 1.2** Members found to be participating in any form of job based harassment or retaliating against another member shall be subject to disciplinary action up to and including termination from employment/membership.
- 1.3** This policy applies to all terms and conditions of membership, including but not limited to employment, hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.
- 1.4** All members are expected to adhere to a standard of conduct that is respectful, courteous, non-offensive and nondiscriminatory.

## 2.0 DEFINITIONS

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- 2.1** ***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 of 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. Because of the nature of the fire service with some “free time” within the shift, comments about

television shows, radio shows or magazine articles fall within this category.

- 2.2     *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, religion 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 to physical acts.
- 2.3     *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, martial status, pregnancy, sexual orientation, gender or age. This applies to both posted material or material maintained in or on McLane Fire and Life Safety equipment or personal property in the workplace. Cable TV shows and personal video tapes which may contain offensive material shall not be viewed by fire department personnel while on duty.
- 2.4     *Sexual Harassment:*** Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.
- 2.5     *Administration:*** Career department employee holding the position of Fire Chief, Assistant Chief or Administrative Assistant.
- 2.6     *Supervisor:*** Department member holding the rank of Lieutenant, Battalion Chief or Volunteer Assistant Chief.

### **3.0 RESPONSIBILITIES**

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- 3.1     *Administration:*** It is the responsibility of the administration to keep this policy up-to-date, and to ensure that any violation of this policy brought to their attention is dealt with fairly, quickly and impartially. Administrators are also required to set the proper example at all times. When informed of a complaint, either formal or informal, the administration shall bring this complaint to the attention of the Fire Chief or his/her designee.
- 3.2     *Supervisors:*** It is the responsibility of supervisors to enforce the policy, to annually review the policy with each employee to ensure they know the policy and to regularly check the workplace and environs to ensure the policy is being followed. .

Supervisors observing or having knowledge of incidents or practices of harassment

within their work unit shall take immediate action to stop the alleged harassment and immediately report the incident to a department administrator. Failure of a supervisor to report an incident of harassment may result in disciplinary action. Additionally, supervisors are required to set the proper example at all times.

- 3.3 Members:** It is the responsibility of each and every department member, including Supervisors and Administrators to know and follow the policy. It is imperative that every department member treats every other member with dignity and respect so as to facilitate a professional work environment.

## **4.0 GUIDELINES**

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### **4.1 Workplace Relationships**

The First Amendment allows anyone to associate with anyone else he or she desires. 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 employees must be voluntary and desired by both parties. However, problems may develop due to 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 out a co-worker. However, if you do not want to go out with another employee, it is imperative that your response to the request is firm and definite. After this first, 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:

- 4.1.1** There shall be no dating activities while on shift or on department property.
- 4.1.2** There shall be no use of department property to arrange dating activities.
- 4.1.3** All behavior between members shall be behavior conducive to a sound professional environment at all times when on department property or when on shift. Hand holding, kissing, hugging, sexual comments or other behavior associated with a dating relationship are inappropriate while on shift or on department property.
- 4.1.4** Any relationship involving personnel at different levels on the chain of command (or where one party has functional supervision over another) shall be reported by the person of higher rank to his/her supervisor immediately. Failure to report this relationship is a violation of this policy. The administrator receiving the report shall immediately contact the Fire Chief and make recommendations to ensure that this relationship will not detract from a sound professional work/learning environment. Such recommendations may include the transfer of one of the members to another shift.

**4.2 Hazing of a Department Member**

- 4.3** In accordance with RCW 28B.10.901, No member of McLane Fire and Life Safety may conspire to engage or participate in the hazing of another department member.
- 4.4** Hazing is defined as any action taken or situation created, intentionally, whether on or off department property, to produce mental or physical discomfort, embarrassment, harassment, or ridicule.
- 4.5** Such activities may include but are not limited to the following: use of alcohol; paddling in any form; creation of excessive fatigue; physical and psychological shocks; wearing of public apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and any other activities not consistent with department policy and procedural guidelines.

**5.0 PROCEDURES**

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**5.1 Confrontation**

- 5.2** If any person feels he or she is the victim of any form of harassment, he or she 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 harassing behaviors. If the inappropriate behaviors do not stop, the offended employee can initiate either an informal or formal complaint as described in Sections 5.3 and 5.7 below. Because confrontation is difficult for some people and because of the complex nature of harassment, employees are not required to confront an offending party prior to initiating the complaint procedure.

**5.3 Informal Complaint**

- 5.4** Any department member, client, contractor, customer or job applicant who believes he or she is a victim of discriminatory workplace harassment should make a complaint orally or in writing to any of the following:

- 5.4.1** Immediate shift supervisor
- 5.4.2** Administrative Assistant
- 5.4.3** Assistant Chief of Operations
- 5.4.4** Fire Chief

- 5.5** Any supervisor who observes inappropriate behavior or receives a harassment complaint shall notify a department administrator immediately.
- 5.6** An informal resolution will be attempted whenever appropriate. If the informal resolution process is unsuccessful, the complainant may direct a formal complaint to the Fire Chief.

**5.7 Formal Complaints****5.8 Preliminary Complaint**

**5.9** Any department member, client, customer or contractor or applicant who alleges to be a victim of discriminatory workplace harassment should within 30 days of alleged incident:

**5.9.1** Contact his/her supervisor, any other supervisor OR

**5.9.2** Contact a member of the department administration

**5.10** This preliminary complaint can be either verbal or written.

**5.11 Time**

**5.12.** The Fire Chief may extend the time requirements set forth in this procedure when he/she determines it is in the best interests of fairness and justice to the parties involved. However, failure to follow the time requirements as set forth in this procedure may result in the complaint being determined invalid and subject to no further processing.

**5.13 Review of Preliminary Complaint**

**5.14** Upon notification of a harassment complaint, the supervisor, Fire Chief or his/her designee, 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 supervisor may still meet with the parties involved to attempt to conciliate the complaint or conflict between the parties.

**5.15 Formal Complaint**

**5.16** If after an initial investigation is conducted, there is no resolution and/or no conciliation of the preliminary complaint a formal written complaint must be filed by the complainant, that sets forth the specific acts, conditions or circumstance regarding the harassment.

**5.17** Failure of the complainant to file a formal written complaint may result in the complaint being determined invalid and subject to no further processing.

**5.18** Upon receipt of the formal written complaint, the Fire Chief or his/her designee will contact the alleged harasser(s) who will be informed of the basis of the complaint, will be given a copy of the written complaint, and will be provided the opportunity to respond. The response shall be in writing and received by the Fire Chief or his/her designee within ten (10) calendar days after being notified of the complaint. Concurrently, a formal investigation of the complaint may be commenced.

**5.19 Review of Response and Findings**

**5.20** Upon receipt of the response, the Fire Chief or his/her designee, may opt to further investigate the formal complaint. Such investigation may include interviews with the complainant, the accused harasser(s), and any other persons determined to possibly have relevant knowledge concerning the complaint. This may include victims of similar conduct.

**5.21** The results of the investigation and the determination as to whether harassment occurred shall be reported in writing to the appropriate persons including the complainant, the alleged harasser(s) and the supervisor within thirty (30) calendar days from the receipt of the response.

**5.22 Appeal to the Board of Commissioners**

If a complainant remains aggrieved as a result of the action or inaction of the Fire Chief or his/her designee, the complainant may file a written notice of appeal with the secretary of the Board of Fire Commissioners within ten (10) calendar days of the following:

**5.23.1** The date upon which the complainant received the response from the Chief or his/her designee, or

**5.23.2** The expiration of the thirty (30) calendar day response period specified in Section 5.20 above, whichever comes first.

**5.23** The board shall schedule a hearing to commence within twenty (20) days following the filing of the written notice of appeal. Both parties shall be allowed to present such witnesses and testimony as the Board deems relevant and material. The Board shall render a written decision within ten (10) calendar days following termination of the hearing and shall provide a copy to all parties involved.

**5.24 Disciplinary Action**

**5.25** If harassment is determined to have occurred, the Fire Chief or his/her designee shall take and/or recommend to the Board of Fire Commissioners prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense, up to and including termination of employment. If discipline is imposed, the nature and extent of the discipline will not be divulged to the complainant.

**5.26 Retaliation**

**5.27** 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 of employment. The Fire chief or his/her designee, will take reasonable steps to protect the victim and other potential victims from further harassment, and to protect the victim from any retaliation as a result of communicating the complaint.

**5.28 Confidentiality**

**5.29** Confidentiality will be maintained to the fullest extent possible in accordance with applicable Federal, State and local law.

**5.30 False Complaints**

**5.31** Any complaint made by a member of McLane Fire and Life Safety regarding job based harassment which is conclusively proven to false, shall result in discipline. This discipline may include dismissal from employment/membership.

**5.32** This section is not intended to discourage members 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.

**6.0 REFERENCES**

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- 6.1** Sec. 703, Title VII Civil Rights Act of 1964
- 6.2** 29 CFR 1604.11
- 6.3** RCW 49.60 Law against Discrimination
- 6.4** RCW 28B.10.901