

1030 - Harassment, Discrimination and Retaliation Prevention Policy

Mendocino Fire Protection District is an equal opportunity employer. Mendocino Fire Protection District is committed to providing a work environment free of harassment, discrimination, retaliation and disrespectful or other unprofessional conduct based on sex (including pregnancy, childbirth, breastfeeding or related medical conditions), race, religion (including religious dress and grooming practices), color, gender (including gender identity and gender expression), national origin (including language use restrictions and possession of a driver's license issued under Vehicle Code section 12801.9), ancestry, physical or mental disability, medical condition, genetic information, marital status, registered domestic partner status, age, sexual orientation, military and veteran status or any other basis protected by federal, state or local law or ordinance or regulation. It also prohibits discrimination, harassment, disrespectful or unprofessional conduct based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

In addition, Mendocino Fire Protection District prohibits retaliation against individuals who raise complaints of discrimination or harassment or who participate in workplace investigations.

All such conduct violates Company policy.

Harassment Prevention

Mendocino Fire Protection District policy prohibiting harassment applies to all persons involved in the operation of the Company. Mendocino Fire Protection District prohibits harassment, disrespectful or unprofessional conduct by any employee of the Company, including supervisors, managers and co-workers. Mendocino Fire Protection District anti-harassment policy also applies to vendors, customers, independent contractors, unpaid interns, volunteers, persons providing services pursuant to a contract and other persons with whom you come into contact while working.

Prohibited harassment, disrespectful or unprofessional conduct includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, comments, posts or messages;
- Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- Physical conduct including assault, unwanted touching, intentionally blocking

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normal movement or interfering with work because of sex, race or any other protected basis;

- Threats and demands to submit to sexual requests or sexual advances as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors;
- Retaliation for reporting or threatening to report harassment; and
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law or by company policy.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

Prohibited harassment is not just sexual harassment but harassment based on any protected category.

Non-Discrimination

Mendocino Fire Protection District is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in Company operations. Mendocino Fire Protection District prohibits unlawful discrimination against any job applicant, employee or unpaid intern by any employee of the Company, including supervisors and coworkers.

Pay discrimination between employees of the opposite sex performing substantially similar work, as defined by the California Fair Pay Act and federal law, is prohibited. Pay differentials may be valid in certain situations defined by law. Employees will not be retaliated against for inquiring about or discussing wages. However, Mendocino Fire Protection District is not obligated to disclose the wages of other employees.

Anti-Retaliation

Mendocino Fire Protection District will not retaliate against you for filing a complaint or participating in any workplace investigation and will not tolerate or permit retaliation by management, employees or co-workers.

Reasonable Accommodation

Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, Mendocino Fire Protection District will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any job applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact a Company representative with day-to-day personnel responsibilities and discuss the need for an accommodation. Mendocino Fire Protection District will engage in an interactive process with the employee to identify possible accommodations, if any, which will help the applicant or employee perform the job. An applicant, employee or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should also contact a Company representative with day-to-day personnel responsibilities and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, Mendocino Fire Protection District will make the accommodation.

Mendocino Fire Protection District will not retaliate against you for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by management, employees or co-workers.

Complaint Process

- (a) If you believe that you have been the subject of harassment, discrimination, retaliation or other prohibited conduct, you should immediately bring your complaint to your supervisor or to: [any other Company supervisor, the HR Manager, the EEO officer, the president, the personnel manager, the office manager, the designated ombudsperson] within five (5) days after the incident. You can bring your complaint to any of these individuals. This report can be oral or written, but Mendocino Fire

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District requests a written report that contains specific facts of the harassment so that it can be properly and fully investigated. Please provide all known details of the incident or incidents, names of individuals involved and names of any witnesses. It would be best to communicate your complaint in writing, but this is not mandatory.

- (b) Upon receipt of the initial complaint, oral or written, the supervisor or other management personnel receiving the complaint will immediately report the incident to the Chief or member of the Board. Upon receipt of the written statement signed by the employee, the Chief or member of the Board shall arrange for an investigation of the complaint.
- (c) The investigator will contact the person who allegedly initiated the harassment, and inform that person of the basis of the complaint and his or her opportunity to respond to the allegations in writing within seven (7) days. In any event, the investigator will interview the person alleged to have committed the reported harassment, and this person must cooperate in providing full and complete information to the investigator.
- (d) Every person reporting the alleged harassment or participating in the investigation of the complaint is assured that he or she will not be subject to any retaliation for making such report or participating in the investigation of the matter. Every such person shall be advised to immediately report any such retaliation to the Chief or member of the Board.
- (e) Upon the receipt of the written response from the person accused, and after conducting a thorough investigation, the investigator will submit a written summary of the complaint, the response, and a finding of facts which substantiate, in whole or in part, the allegations to the Chief or member of the Board. After reviewing the report, the Chief or member of the Board will determine whether harassment has occurred and notify both parties.
- (f) If it is determined that harassment has occurred, appropriate disciplinary action, up to and including dismissal will be taken. The severity of the discipline will be determined by the severity and frequency of the offense, or other conditions surrounding the incident.

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Mendocino Fire Protection District encourages all individuals to report any incidents of harassment, discrimination, retaliation or other prohibited conduct forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

You also should be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment, discrimination and retaliation in employment. If you think you have been harassed or discriminated against or that you have been retaliated against for resisting, complaining or participating in an investigation, you may file a complaint with the appropriate agency. The nearest office can be found by visiting the agency websites at www.dfeh.ca.gov and www.eeoc.gov.

Supervisors must refer all complaints involving harassment, discrimination, retaliation or other prohibited conduct to the appropriate to the Chief or member of the Board as set forth in the Complaint Process above so that Mendocino Fire Protection District can resolve the complaint.

When Mendocino Fire Protection District receives allegations of misconduct, it will immediately undertake a fair, timely, thorough and objective investigation of the allegations in accordance with the Complaint Process set forth above and all legal requirements. Mendocino Fire Protection District will reach reasonable conclusions based on the evidence collected.

Mendocino Fire Protection District will maintain confidentiality to the extent possible. However, Mendocino Fire Protection District cannot promise complete confidentiality. The employer's duty to investigate and take corrective action may require the disclosure of information to individuals with a need to know.

Complaints will be:

- Responded to in a timely manner
- Kept confidential to the extent possible
- Investigated impartially by qualified personnel in a timely manner
- Documented and tracked for reasonable progress
- Given appropriate options for remedial action and resolution
- Closed in a timely manner

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If Mendocino Fire Protection District determines that harassment, discrimination, retaliation or other prohibited conduct has occurred; appropriate and effective corrective and remedial action will be taken in accordance with the circumstances involved. Mendocino Fire Protection District also will take appropriate action to deter future misconduct.

Any employee determined by Mendocino Fire Protection District to be responsible for harassment, discrimination, retaliation or other prohibited conduct will be subject to appropriate disciplinary action, up to, and including termination. Employees should also know that if they engage in unlawful harassment, they can be held personally liable for the misconduct.

(Revised April 2016)

**Confirmation of Receipt of Harassment, Discrimination and Retaliation
Prevention Policy**

I have received my copy of Mendocino Fire Protection District Harassment, Discrimination and Retaliation Prevention Policy. I understand and agree that it is my responsibility to read and familiarize myself with this policy.

I understand that Mendocino Fire Protection District is committed to providing a work environment that is free from harassment, discrimination and retaliation. My signature certifies that I understand that I must conform to and abide by the rules and requirements described in this policy.

Employee's Signature _____

Employee's Printed Name _____

Date _____