



ADMINISTRATIVE POLICY

11003
(09-22-03)

NON-DISCRIMINATION AND NON-HARASSMENT

- 11003.1 Purpose:
It is the policy of the Ventura County Fire Protection District (VCFPD) to fully support and enforce the non-discrimination and non-harassment policies, which are currently set forth in the County of Ventura Affirmative Action Plan. The VCFPD is committed to providing its employees a work environment free of harassment, unfair bias and discrimination.
- 11003.2 Scope:
This policy applies to all Fire District personnel.
- 11003.3 Authority:
- County of Ventura Administrative Manual
 - County of Ventura Affirmative Action Plan
 - County of Ventura Personnel Rules and Regulations
 - Applicable Memorandum of Agreement
 - California Fair Employment and Housing Act
(Gov. Code, § 12920 et seq.)
 - Title VII of the Civil Rights Act of 1964
(42 U.S.C. § 2000e et seq.)
 - The Americans With Disabilities Act
(42 U.S.C. § 12101 et seq.)
 - The Age Discrimination in Employment Act
(29 U.S.C. § 621 et seq.)
- 11003.4 Definitions:
- 11003.4.1 Unlawful Harassment:
Unlawful harassment is any form or combination of verbal, visual, written, physical or environmental conduct, directed at any person, which is based on race, religious creed, gender, national origin, ancestry, actual or perceived physical or mental disability, medical condition, marital status, age or sexual orientation or any other legally protected characteristic. It need not be explicit, or even specifically directed at the person.
- 11003.4.1.1 Verbal Harassment:
Inappropriate, derogatory or offensive remarks, slurs, jokes, music, comments or innuendoes that may include, but are not limited to,

comments regarding an individual's physical appearance, attire, sexual activity, marital status, race, ethnicity, age, actual or perceived physical or mental disabilities, religion, pregnancy or sexual orientation; unwelcome flirting or sexual propositions; demands for sexual favors; threats or intimidation of a sexual or non-sexual nature; or sexist, patronizing, ridiculing statements that convey derogatory attitudes about a particular race, gender, belief, culture, condition, etc.

11003.4.1.2 Physical Harassment:

Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to pushing, touching, bumping, threatening to touch either verbally or by action, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures, etc.

11003.4.1.3 Visual and/or Written Harassment:

The display or circulation of offensive or derogatory visual or written material regarding sex, race, ethnicity, age, actual or perceived physical or mental disabilities, religion, pregnancy or sexual orientation. This may include, but is not limited to posters, calendars, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions. Visual harassment could also mean acting in such a manner as to cause another person in the area and/or watching to be offended.

11003.4.1.4 Environmental Harassment:

A work environment may be considered hostile when, based on the totality of the circumstances, including such factors as the frequency of the conduct and the severity of the conduct, the conduct is sufficiently severe or pervasive as to create an intimidating or hostile work environment that unreasonably interferes with an individual's work.

Example: A work environment that is permeated with sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements. An environment may be hostile if unwelcome sexual behavior is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surrounding. A hostile work environment can exist when any type of unlawful harassment is involved.

11003.4.1.5 Sexual Harassment:

Unlawful harassment includes sexual harassment, which involves unwelcome sexual conduct such as sexual advances, requests for sexual

favors and other verbal or physical conduct of a sexual nature. Sexual harassment can occur under any one of the following circumstances:

- Submission is made either explicitly or implicitly a term or condition of employment;
- Submission or rejection by an employee is used as a basis for employment decisions affecting the employee; or,
- Such conduct is sufficiently severe or pervasive to create a hostile work environment as described above.

Sexually harassing conduct can occur between people of the same or different genders. By definition, sexual harassment is not within the course and scope of an individual's employment with the VCFPD and seriously damages the effectiveness and efficiency of the District.

Romantic or sexual relationships between supervisors and subordinate employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

11003.4.2 Illegal Discrimination:

Discrimination is defined as any act, practice or course of conduct that does not involve a legitimate or bona fide occupational qualification and that constitutes or results in inequality of treatment of any person or group of persons because of race, color, religion, national origin, ancestry, gender, age, actual or perceived physical or mental disability, marital status or sexual orientation.

11003.5 Policy:

It is the responsibility of all Fire District employees to read and understand this policy.

11003.5.1:

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

11003.5.2:

Discrimination and harassment violate District policy and will not be tolerated. This policy prohibits retaliation against any individual for making a complaint of discrimination or harassment, or for participating in an investigation of charges of discrimination or harassment. Employees who

violate this policy may be subject to disciplinary action up to and including termination.

11003.5.3:

It is the responsibility of every employee of the VCFPD to ensure that all persons employed by the District enjoy a work environment that is professional, respectful and productive.

11003.5.4:

Questions may be directed to the immediate supervisor, manager or Bureau Chief, or to the Fire District's Human Resources Manager.

11003.5.5 Supervisors/Managers:

It is the responsibility of all supervisors and managers to ensure this policy is understood by personnel under their control, and practiced continually throughout the Fire District. Supervisors and managers must also take action designed to stop unlawful conduct when they know or have reason to know that unlawful conduct is occurring. Specifically, supervisors and managers must investigate and/or report the conduct and take appropriate corrective action.

11003.5.5.1:

All supervisors shall maintain a positive work environment that is free from unlawful harassment and discrimination through continued training and positive reinforcement. Supervisors and managers are responsible for ensuring that their employees are aware of, and comply with, this policy.

11003.5.5.2 Prohibited Supervisory or Managerial Behavior:

No supervisor, manager or other authority figure may condition any employment, employee benefit or continued employment with the VCFPD on an applicant or employee's acquiescence to any of the behavior defined above.

11003.5.5.2.1:

No supervisor, manager or other authority figure may retaliate against any applicant or employee because that person has opposed a practice prohibited by this policy or has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted by an authorized investigator.

11003.5.5.2.2:

No supervisor, manager or other authority figure shall destroy evidence relevant to an investigation of harassment or discrimination.

11003.5.6 All Personnel:

All personnel shall be considerate of the moral, ethical and cultural values of others and refrain from racial, sexual, ethnic, religious or personal

words or actions that may be offensive to others. It is important that each member display a measure of tolerance for those members whose opinions and principles may be different from their own.

11003.5.7 Behavior Prohibited By All Persons:

No member of the VCFPD shall create a hostile or offensive work environment for any other person by engaging in any unlawful discrimination or harassment or by tolerating it on the part of any employee.

11003.5.7.1:

No member of the VCFPD shall assist any individual in any conduct or act that constitutes unlawful discrimination or harassment against any employee of the VCFPD.

11003.5.7.2:

No member of the VCFPD shall destroy evidence relevant to an investigation of harassment or discrimination.

11003.6 Obligations Of All Employees:

All employees shall report to their immediate supervisor, or appropriate authority figure, any conduct that falls within the definition of unlawful discrimination or harassment, as stated in this policy. Reportable conduct includes that of employees and non-employees, such as sales representatives or service vendors, and conduct toward such non-employees.

11003.6.1:

All employees shall report to their supervisor, manager or the Fire District's Human Resources Manager any instances of unlawful discrimination or harassment, which they have directly observed, whether or not the conduct was reported by the person who was the object or recipient of the unlawful discrimination or harassment.

11003.6.2:

All employees shall cooperate with any investigation of any alleged act of unlawful discrimination or harassment conducted by the VCFPD or its agents.

11003.7 Fire District's Complaint Resolution Procedure:

Any employee who has a concern or a complaint regarding discrimination, harassment or retaliation, is encouraged to utilize the steps outlined below.

1. Talk to the first-line supervisor regarding the problem or contact the Battalion Chief or Section Manager.

2. Meet with the VCFPD Human Resources Manager. An investigation may be conducted. If the investigation reveals any improper or illegal discrimination or harassment, disciplinary action, up to and including dismissal of the responsible parties, may result.
3. Discuss concerns with the County Affirmative Action Officer (AAO) located in the County Human Resources Department. The AAO will attempt to mediate or resolve any problems within the management structure. If the investigation reveals any improper or illegal behavior or action by County employees, the Human Resources Department has the duty and obligation to recommend disciplinary action, up to and including dismissal of the responsible parties. If the County Human Resources Department process does not work to the satisfaction of the employee, a formal complaint will be forwarded on behalf of the employee to the County Civil Service Commission.
4. A formal complaint may be filed with the County Civil Service Commission. The Commission has the discretion to conduct an administrative hearing on any allegation of discrimination. The decision of the Civil Service Commission is final and binding on the County. [Note: The Civil Service remedy may not be available under certain MOAs. MOAs should always be consulted.]