



**SUBJECT:                   WORKPLACE HARASSMENT**

**POLICY:**               Harassment, sexual or otherwise, of an applicant, client, contractor, business invitee, customer or employee by supervisor, management employee, or co-worker 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 Clark County Fire & Rescue.

Employees found to be participating in any form of job based harassment or **retaliating** against another employee shall be subject to disciplinary action up to and including **termination from employment**.

**PURPOSE:**           The purpose of this Policy is to clearly establish Clark County Fire & Rescue'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. Because of the tremendous importance of a workplace free from any form of harassment, this policy **shall** be reviewed by each supervisor or manager to his or her personnel on an annual basis.

All jobs with the fire service are extremely important to the public safety of our community. It is critical that all employees treat all other employees with dignity and respect. Because of the unique circumstances present in many fire department jobs, it is the responsibility of each and every employee, supervisor and manager to make sure that there is no inappropriate behavior occurring in the workplace. Inappropriate behavior will **not** be tolerated.

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

**SCOPE:**               **Management:** It is the responsibility of management 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.

**Supervision:** It is the responsibility of supervision to enforce the policy, to make an annual review with each employee to ensure they know the policy and to regularly check the workplace and



environs to make ensure the policy is being followed. When a deviation from this policy is noted or reported, supervisors shall bring this information to management immediately.

**Workers:** It is the responsibility of each and every employee to know the policy and to follow the policy. It is imperative that every employee treat every other employee with dignity and respect.

**DEFINITIONS:** For purposes of clarification, harassment includes but it 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 of whether the behavior was intended to harass. This includes but is not limited to inappropriate sexual 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 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 to 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 Clark County Fire & Rescue equipment or personal property in the workplace.

#### **Sexual Harassment**

Any unwelcome sexual advances, requests for sexual favors, and any other verbal, physical, or visual conduct of a sexual nature



where such actions or allowance of such actions are 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 working environment.

**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 harassing behaviors. If the inappropriate behaviors do not stop, the offended employee can initiate either an informal or form complaint as described 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 this complaint procedure.

**Informal Complaint**

Any employee, 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 with any of the following:

1. Immediate supervisor.
2. Any supervisor or manager within or outside of their department.
3. Any division head.
4. The Chief or his/her Human Resources Department designee.

Any supervisor, manager or division head who observes inappropriate behavior or receives a harassment complaint shall notify the Chief or his/her Human Resources Department designee immediately.

An informal resolution will be attempted whenever appropriate. If the informal resolution process is unsuccessful, the complainant may direct a formal complaint to the Chief.

**Formal Complaints**

*Preliminary Complaint*

Filing of a Preliminary Complaint: Any employee, client, customer, contractor or applicant who alleges to be a victim of discriminatory



workplace harassment should, within 30 calendar days of the alleged incident:

1. Contact his/her supervisor OR
2. Contact the Chief or his/her designee.

This primary complaint may be verbal or written.

Time Extension: The Chief may extend the time requirements set forth in the procedure when he/she determines it is in the best interests of fairness and justice to the parties involved.

Review of Preliminary Complaint: Upon notification of a harassment complaint, the supervisor and/or Chief's 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 and/or the Chief's designee 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 no conciliation of the preliminary complaint, a formal written complaint may be filed by the complainant. The Chief or his/her designee will issue the Workplace Harassment Complaint Form to the complainant. This form shall be completed, signed and returned to the Chief or his/her designee within five (5) days after issuance, which will be clearly identified on the form.

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 the completed form, and will be provided an opportunity to respond. The response shall be in writing, addressed to the Chief, and received within ten (10) calendar days after being notified of the complaint. Concurrently, a formal investigation of the complaint may be commenced.

#### Review of Response and Findings

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



Factual information gathered through the investigation will be reviewed to determine whether the alleged conduct constitutes harassment, giving consideration to all factual information, the totality of the circumstances including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incident(s) occurred.

The results of the investigation and the determination as to whether harassment occurred shall be final and binding and will be reported to appropriate persons including the complainant, the alleged harasser(s), the supervisor and the division head within twenty (20) calendar days from the receipt of the response.

### **DISCIPLINARY ACTION**

If harassment is determined to have occurred, the Chief shall take and/or recommend to the appointing authority prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense, up to and including termination from employment. If discipline is imposed, the nature and extent of the discipline will not be divulged to the complainant.

### **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 removal. The Chief 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.

### **CONFIDENTIALITY**

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

### **FALSE COMPLAINTS**

Any complaint made by an employee of Clark County Fire & Rescue regarding Job Based Harassment which is conclusively proved to be false, shall result in discipline. This discipline may include dismissal from employment. This section is not intended to discourage 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, religion, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender or age.

**DISTRIBUTION**

This policy shall be disseminated to all employees, supervisors and managers of Clark County Fire & Rescue. Any questions, concerns or comments related to this policy should be directed to the Chief or his/her designee.