

WRITTEN DIRECTIVES

DIRECTIVE: 01.010

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CALEA Standard: 3.6.4

SUBJECT: HARASSMENT IN VIOLATION OF STATE & FEDERAL LAWS

A. POLICY

1. Harassment of an applicant or employee by a supervisor, management employee, co-worker, client, contractor, business invitee or customer on the basis of race, religion, color, national origin, ancestry, disability, marital status, gender or age is explicitly in violation of State and/or Federal law and will not be tolerated by CRESA.
2. At CRESA we have raised the bar above legally protected standards, and want to ensure that no one is subjected to behavior that is harassing, intimidating, retaliatory, discriminatory (HIRD) or creates a hostile working environment regardless of legally protected status. All other forms of HIRD that are not legally protected as described in this policy are addressed in the Agency's Conduct, Ethics and Behavior Expectations Directive 01.006 of the Agency Written Directive Manual.
3. Because of the tremendous importance of a workplace free from harassment, this policy shall be reviewed by each supervisor or manager annually. During each employee's annual performance evaluation this policy should be fully discussed with the employee, supervisor, or manager to ensure its contents are known and understood by the employee. The discussion of this policy with the employee should be documented in the employee's annual review.
4. Employees, supervisors or managers found to be participating in any form of job based harassment or retaliating against any other employee shall be subject to disciplinary action up to and **including termination from employment.**
5. This policy is the Clark Regional Emergency Services Agency (CRESA) 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.
6. All jobs with the Clark Regional Emergency Services Agency (CRESA) are extremely important to the public safety of our community. It is critical all employees treat all other employees with dignity and respect. It is the responsibility of each and every employee, supervisor and manager to make sure there is **no** inappropriate behavior occurring in the workplace. Inappropriate behavior will **not** be tolerated.

B. EMPLOYEES ARE RESPONSIBLE FOR UNDERSTANDING THE DEFINITIONS

1. For the purposes of clarification, harassment includes but is not limited to the following behaviors:
 - a. **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, marital status, gender or age, whether made in general, directed to an individual, or to a group of people and 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.
 - b. **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, marital status, 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.
 - c. **Visual Forms of Harassment** – Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes (to include electronic communications), bulletins, drawings or pictures on the basis of race, religious creed, color, national origin, ancestry, disability, marital status, gender or age. This applies to both posted material or material maintained in or on CRESA equipment or personal property in the workplace.
 - d. **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.

C. CRESA EMPLOYEES AND MANAGERS ARE EXPECTED TO BE AWARE OF THEIR RESPONSIBILITIES

1. Management.

- a. It is the responsibility of management to develop this policy, keep it up to date, and to ensure that any violation of this policy of which they become aware is dealt with fairly, quickly, and impartially. All managers also have the responsibility of setting the proper example.
2. Supervision.
 - a. It is the responsibility of supervisors to enforce the policy, to conduct an annual review with each employee to ensure they know the policy, and to regularly check the workplace and environs to make sure the policy is being followed. When a deviation from this policy is noted or reported, supervisors shall bring this information to management immediately. All supervisors also have the responsibility of setting the proper example.
 3. Workers.
 - a. It is the responsibility of each and every employee to know the policy and to follow the policy. It is imperative that every employee treats every other employee with dignity and respect.

D. CRESA EMPLOYEES AND MANAGERS ARE EXPECTED TO OBSERVE GUIDELINES ON WORKPLACE RELATIONSHIPS

1. 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 CRESA's intent to interfere with any dating relationship. Any involvement between employees must be voluntary and desired by both parties. However, many problems have developed in government organizations because of dating relationships, and they can interfere with our goal of having a sound professional work environment.
2. 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.
3. 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 may constitute Sexual Harassment. It is 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.

- a. There shall be no dating activities on Agency time or Agency property.
 - b. There shall be no use of Agency property to arrange dating activities.
 - c. Behavior between employees shall be behavior conducive to a sound professional work environment at all times when on Agency property or on Agency time. Behaviors generally associated with a dating relationship are inappropriate while on Agency time or Agency property.
 - d. 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 manager receiving this information shall immediately contact the Director and inform him/her of the relationship.
 - e. Where there is an existing relationship on an employee-employee or supervisor-employee basis, neither party is permitted to either use his/her position too favorably or negatively impact the rights and opportunities of their partner or other employees.
 - f. "Ex" relationships can be as troubling, if not more so, than current relationships. Neither party to a former relationship is permitted to engage in any behavior or make any workplace decision based on factors emanating from the personal relationship.
4. Preventative measures prior to discipline may include the following:
- a. **Disqualification** - Employees whose relationships place them in a conflict of interest situation are disqualified from participation in decisions or actions, which could affect, positively or negatively, the other party to the relationship.
 - b. **Reassignment/Restructuring** - In many cases, the least intrusive remedy will be to reassign the employees or restructure their roles such that the conflict is no longer present. Many factors may be relevant to the issue of which employee must endure the restructuring or reassignment: seniority, the jobs involved, and the instigator of the relationship or the person who is most willing to accept another assignment. In the event a three-way agreement cannot be obtained, management will make the final determination.

E. ALL CRESA EMPLOYEES AND MANAGERS WILL BE EXPECTED TO OBSERVE THE FOLLOWING COMPLAINT PROCEDURE

1. Informal Resolution Process.

- a. 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 a formal complaint as described below.
- b. For represented employees, Article 17, Grievance Resolution Process of the Agency's Labor Agreement provides for additional avenues for informal resolution.
- c. 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.

2. Formal Complaint.

- a. The formal complaint procedure should be followed if the employee does not wish to confront the offender directly or if the informal procedure has not resolved the problem.
- b. Complaints should be filed immediately after the objectionable event occurs, and in no event should they be filed later than 30 days from the alleged action.
- c. Complaints may be submitted verbally or in writing. However written documentation is desirable and helpful to the investigation. A written account of the situation should include the following:
 - 1.) The name(s) of the person(s) alleged to have engaged in the prohibited conduct and the date(s) it occurred.
 - 2.) A specific and detailed description of the conduct that the employee believes is discriminatory or harassing.
 - 3.) Witnesses.
 - 4.) A description of the remedy the employee desires.

- d. Complaints may be submitted to either affected party's supervisor or manager, a manager in another division or directly to the Agency's Director or his/her designee.
- e. All supervisors and managers are required to report complaints (verbal and written) and incidents to the Director.
- f. If the complaint is about the Director, the complaint should be directed to the chair of the CRESA Administrative Board.

F. INVESTIGATIONS

1. All complaints brought by or against CRESA employees will be promptly investigated.
2. Investigation will be thorough, honest, impartial, discrete and conducted in accordance with contemporary legal and technical requirements.
3. In some cases, the matter may be referred to outside investigatory resources as necessary to ensure a proper investigation and/or the prevention of conflicts of interests.
4. All investigations will be conducted in accordance with the Executive Order 01.009, Investigation of Concerns and Complaints Directive, of the Agency Written Directive Manual.

G. DISCIPLINARY ACTION WILL BE TAKEN AS APPROPRIATE

1. If harassment is determined to have occurred, the Director shall take prompt and effective remedial action against the harasser.
2. The action will be commensurate with the severity of the offense, up to and including termination from employment.

H. RETALIATION IS PROHIBITED

1. 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 dismissal. The Director 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.

I. CONFIDENTIALITY

1. Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state, and local law.