

<b>Scotts Valley Fire Protection District</b>	<b>Policy: 802</b>
<b>Subject: Harassment</b>	<b>ADOPTED: August 11, 2004</b>

***Policy 802: Harassment***

Scotts Valley Fire Protection District's no tolerance policy for harassing behavior extends to all District-related activities, including off-site. The policy applies to all employees, volunteers, Board members, visitors, and other persons not affiliated with the District, regardless of their title, position, or gender. Scotts Valley FPD will take all reasonable measures to prevent unlawful harassment and promptly and effectively respond to harassment allegations.

1. Harassment of any kind, racial, sexual, physical or verbal, is prohibited and will not be tolerated.
2. Glossary of Terms

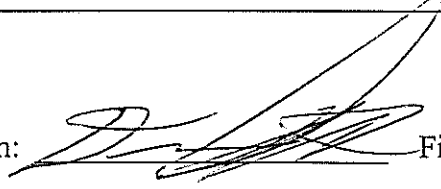
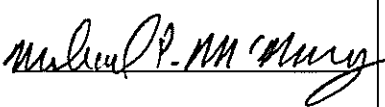
***Adverse Impact:*** A substantially different rate of selection in hiring, promotion, transfer, training or in other employment decisions which works to the disadvantage of members of a race, ethnic, or sex group.

***Affected Class:*** One or more employees, former employees, or applicants who have been denied employment opportunities or benefits because of discriminatory practices and/or policies by the employer, its employees or agents.

***Bona Fide Occupational Qualification (BFOQ):*** Employment in any particular job may not be limited to persons of a particular group; i.e., sex, religion, national origin, age, color or race unless the employer can prove that only persons of that group can perform that particular job.

***Business Necessity:*** Justification for an otherwise prohibited employment practice based on an employer's proof that (1) the otherwise prohibited employment practice is essential for the safety and efficiency of the business, and (2) no reasonable alternative with a lesser impact exists.

***California Department of Fair Employment and Housing (DFEH):*** A state agency that monitors and enforces the California Fair Employment and Housing Act.

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**Conciliation Agreement:** A written agreement between an employer and a federal agency that details specific employer commitments to resolve identified compliance deficiencies which are set forth in the agreement.

**Disparate Treatment (Discrimination):** Differential treatment of employees or applicants on the basis of their race, color, religion, sex, national origin, handicap, age or veteran's status. To prove disparate treatment, the employee discriminated against must usually prove that the disparate treatment was done intentionally.

**Effect:** The impact a behavior has on another person regardless of that person's intent for doing that behavior.

**Equal Employment Opportunity Commission (EEOC):** A federal enforcement agency that monitors and enforces Title VII of the 1964 Civil Rights Act, as amended, (Title VII only applies to employers with a minimum of 15 employees) and is authorized to receive, investigate and conciliate complaints which allege discrimination in employment.

**Fair Employment and Housing Act (FEHA):** California state civil rights law that prohibits discrimination with respect to hiring, firing, compensation and virtually all terms, conditions and privileges of employment.

**Fair Employment and Housing Commission (FEHC):** An agency within the DFEH that is authorized to issue regulation interpreting the FEHA and to conduct hearings to resolve accusations of unlawful discrimination.

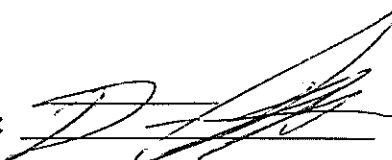

**Harassment:**

**Physical Harassment:** Assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual. Unnecessary touching, patting, pinching, rubbing or kissing.

**Sex Based Harassment:** Harassing an employee because of his or her gender.

**Sexual Harassment:** Any unwanted verbal or physical advance, sexually explicit or derogatory statement, or sexually discriminatory remark made by

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someone in the workplace which is offensive or objectionable to the recipient, or which causes the recipient discomfort or humiliation, or which interferes with the recipient's job performance.

Verbal Harassment: Epithets, derogatory comments, or slurs on the basis of race, physical handicap, medical condition, marital status, sex or age.

Visual Forms of Harassment: Examples include posters, magazines, calendars, cartoon or caricatures.

***Hostile Work Environment:*** A work environment created by unwelcome sexual behavior or behavior directed at an employee because of that employee's sex that is offensive, hostile and/or intimidating and that adversely affects that employee's ability to do his or her job.

***Intent:*** The reason a person does a behavior.

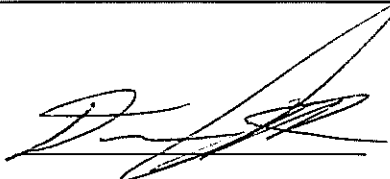
***Minorities:*** All persons classified as Black, Hispanic, Asian, or Pacific Islander, American Indian, or Alaskan Native.

***Noncompliance:*** Failure to follow the conditions set out in an employer's equal opportunity clause, and the regulations applicable through that clause.

***Protected Classes:*** An employer subject to FEHA will be liable for discrimination based on any of the following:

- Race
- Color
- National Origin
- Ancestry
- Sex
- Pregnancy, childbirth or related medical condition
- Marital status
- Religious creed
- Physical handicap
- Medical condition
- Age 40 or over

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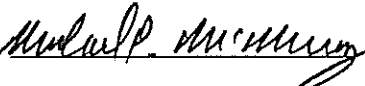


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**Quid Pro Quo:** When employment and/or employment decisions for an employee are based on that employee's acceptance or rejection of unwelcome sexual behavior.

**Reasonable Accommodation:** Alterations, adjustments or changes in the job, the workplace and/or term or condition of employment which will enable an otherwise qualified particular job successfully, as determined on a case-by-case basis depending on the individual circumstances.

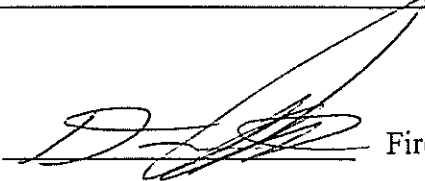

3. Any employee is not required to directly confront any persons who are the source of the problem or closely associated with the person who is the source of the problem. Instead, the employee may utilize any of the other various avenues of internal complaint. The employee is required to make a reasonable effort to bring forward any allegations of unlawful harassment or discrimination so the District may stop such wrongdoing and prevent future occurrences.
4. Any employee, including a supervisor, who believes that he/she has been harassed, should immediately report the incident to the supervisor (*Refer to Policy 803: Open Reporting*). If the harasser is the employee's supervisor, and the employee does not feel that the situation can be resolved without the intervention of a third party, he/she should report the incident to the next level in the chain of command.
5. Any employee witnessing behavior of this type has a responsibility to report it to the supervisor. In the event the supervisor is the suspect party, the report should go to the next level in the chain of command.
6. Where the harasser is not an employee of the Scotts Valley Fire Protection District, but contact is made as part of the employee's job performance, the incident should be reported to the supervisor for appropriate action.
7. Upon receipt of a complaint of harassment, a supervisor is required to determine the validity of the complaint and take the appropriate action to document the occurrence. Appropriate immediate action should be taken to lessen the severity of the case if the ability exists to do so.

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8. The supervisor shall conduct an investigation into the facts of the case following standard operating procedures. All factual aspects of the case shall be documented.
9. False accusations of harassment will not be tolerated and will be dealt with in the disciplinary action process.
10. No Tolerance for Discrimination or Harassment – Scotts Valley FPD prohibits, forbids, and does not tolerate discrimination against anyone on the basis of race, color, religion, sex, age, national origin, veteran status, disability or any other basis prohibited by applicable federal, state or local laws.
11. Employment Opportunity / Protected Classes – All members, managers, supervisors, and job applicants are guaranteed the same employment opportunities. Scotts Valley FPD will make all recruitment, placement, selection, training and layoff decisions based solely on job-related qualifications and abilities. The District will administer and conduct all personnel procedures including compensation, benefits, discipline, training, recreational and social activities, and safety and health programs without regard to an individual’s race, color, religion, sex, age, national origin, veteran status, or disability.
12. Apparent authority - No person, member or third party, no matter his or her title or position has the authority, expressed, actual, apparent or implied, to commit or allow harassment.
13. Scotts Valley FPD will discipline, up to and including termination, any member reasonably believed to have committed unlawful harassment and violated Scotts Valley FPD policy. The District policy applies equally to all members, regardless of their position within the organization.
14. Even conduct that is intended to be “innocent” may still constitute sexual harassment if it falls within the terms of this policy. If any member expresses concern that your behavior may have violated this policy, please respect his / her concerns. Regardless of your intent, how others interpret your behavior is important.

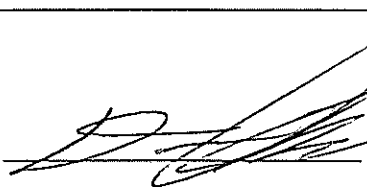
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15. This policy is not meant to interfere with or discourage friendships among members. However, members must be sensitive to acts or conduct that may be considered offensive by others.
16. Scotts Valley FPD Harassment Prevention Training Program includes but not limited to:
  - Intention to prevent harassment
  - Discipline those found to have committed harassment
  - Facilitation of harassment prevention training
  - Documentation of which employees completed training
  - Signed acknowledgement forms from employees indicating their comprehension of the information
  - Documentation how often employees are trained
  - Documentation of materials distributed and utilized in training sessions
17. This policy will be compliant with current California and Federal Law.

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