



HUTTO FIRE RESCUE

WILLIAMSON COUNTY EMERGENCY SERVICES DISTRICT #3

STANDARD OPERATING PROCEDURES



STANDARD OPERATING PROCEDURE - Human Resources #2-1.7 (Revised) ISSUE DATE: May 15, 2023 EFFECTIVE: May 15, 2023	RESCINDS: #2-1.7: Harassment/Discrimination Prevention (2009), (2013), (2018), (2022)
SUBJECT: HARRASMENT PREVENTION & DISCRIMINATION POLICY	AUTHORIZED BY: Williamson County ESD #3 Board of Commissioners
REFERENCE / AUTHORITY: Federal Law State of Texas Law	APPLIES TO: <input checked="" type="checkbox"/> Full Time Uniformed Staff <input checked="" type="checkbox"/> Civilian Staff <input checked="" type="checkbox"/> ESD Commissioners
TFCA BEST PRACTICES: Chapter(s) : 12 Item(s) : 12.10 	CPSE / CFAI ACCREDITATION: 

PURPOSE

The purpose of this policy is to prevent harassment of all Hutto Fire Rescue/Williamson County Emergency Services District #3 (Hutto Fire Rescue) members by conveying information on the definition of unwanted conduct, by providing a standardized procedure for addressing any incident of harassment, and to provide penalties for violations; and to prevent the discrimination of any member of Hutto Fire Rescue.

BACKGROUND

Hutto Fire Rescue seeks to prevent the harassment of members by conveying information on the definition of unwanted conduct, by providing a standardized procedure for addressing any incident of harassment, and to provide penalties for violations. Harassment lowers morale, is damaging to the work environment, and is illegal. It's not just about sexual harassment anymore. Since the Supreme Court's landmark decisions in the 1998 Faragher and Ellerth harassment cases, federal court decisions and Equal Employment Opportunity Commission (EEOC) Guidelines have made clear that employers' harassment prevention programs must address not just sexual harassment but all types of unlawful harassment.

While sexual harassment lawsuits tend to grab the headlines, employers' risk of harassment lawsuits based on other protected characteristics is actually greater. Of the 109,472 harassment charges that were filed with the EEOC during the 1990s, only 33% were sex based while 14% were national origin based, and 43% were race-based.

Also, employers are seeing harassment charges based on age increasing as the "baby boomers" age. In addition, since September 11, 2001, the number of religious and national origin harassment and discrimination claims filed with the EEOC has increased dramatically.

Hutto Fire Rescue is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, Hutto Fire Rescue expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice, and harassment.

POLICY

DEFINITION

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Unwanted Conduct: Any conduct, verbal or physical, which is of ethnic, racial or religious nature, which reasonably causes the recipient discomfort or humiliation, or which reasonably interferes with the recipient's work performance.

Two-Hatter: An individual who volunteers with or is employed part-time by another fire department during their time-off from their primary fire department employer.

EQUAL EMPLOYMENT OPPORTUNITY

A. It is the policy of Hutto Fire Rescue to ensure equal employment opportunity without discrimination or harassment based on race, color, religion, sex, age, national origin, disability, or any other characteristic protected by law.

1. Hutto Fire Rescue prohibits and will not tolerate any such discrimination or harassment.

B. Hutto Fire Rescue, in accordance with the *VOW (Veterans Opportunity for Work) to Hire Heroes Act of 2011*, will provide preferential membership (paid or volunteer) for veterans that have been discharged or released from active duty in the armed forces under honorable conditions.

1. Veterans applying for full-time positions must meet the minimum Hutto Fire Rescue qualifications for this to be effective.

GENERAL

- A. This policy prohibits not only unlawful harassment but also conduct that is inappropriate. Hutto Fire Rescue will not tolerate harassment in any form.
 1. The Williamson County Emergency Services District #3 Board of commissioners by policy elects to prohibit harassing behavior by and toward volunteers.
 2. Individuals with Hutto Fire Rescue that serve as "Two-Hatters" are also included in this harassment prevention.
 - B. These policies apply to all applicants and members, and prohibits harassment, discrimination, and retaliation whether engaged in by fellow employees or volunteers, by a supervisor or manager, or by someone not directly connected to Hutto Fire Rescue (e.g., an outside vendor, consultant, or customer).
 - C. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during Hutto Fire Rescue trips (i.e., fire training schools, etc.), Hutto Fire Rescue meetings, and Hutto Fire Rescue related social events.
 - D. It is the policy of Hutto Fire Rescue that all members are responsible for assuring that the workplace is free from harassment or other unwanted conduct. Hutto Fire Rescue strictly prohibits any conduct of a harassing nature. Such conduct includes but is not limited to:
 1. Unwelcome sexual advances.
 2. Requests for sexual acts or favors.
 3. Any verbal or physical conduct of a sexual and/or harassing nature.
 4. Display of sexually suggestive objects, material, or pictures.
 5. Verbal or physical conduct of ethnic, racial, or religious nature.
- C. Sexual Harassment includes:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or volunteer status.
 2. Submission to or rejection of such conduct by an individual is used as the basis for employment/volunteer decisions affecting such individual.
 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- D. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to:
1. Unwanted sexual advances or requests for sexual favors.
 2. Sexual jokes and innuendo.
 3. Verbal abuse of a sexual nature.
 4. Commentary about an individual's body, sexual prowess or sexual deficiencies.
 5. Leering, catcalls, or touching.
 6. Insulting or obscene comments or gestures.
 7. Display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail).
 8. Other physical, verbal, or visual conduct of a sexual nature.
- E. Harassment based on any other protected characteristic is also strictly prohibited.
- F. Under this policy, harassment is verbal, visual, or physical conduct that:
1. Denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, age, national origin, disability, or any other characteristic protected by law or any other such characteristic of his/her relatives, friends or associates.
 2. Has the purpose or effect of creating an intimidating, hostile or offensive work environment.

3. Has the purpose or effect of unreasonably interfering with an individual's work performance.
 4. Otherwise adversely affects an individual's employment/volunteer opportunities.
- G. Harassing conduct includes, but is not limited to:
1. Epithets (inappropriate or demeaning name-calling), slurs, or negative stereotyping.
 2. Threatening, intimidating, or hostile acts.
 3. Denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

PROCEDURES

- A. Members who believe they are being harassed by anyone, including officers, co-workers, or visitors, should first inform the harassing individual that the behavior is inappropriate, and it should stop. If that does not resolve the issue the member should bring the complaint of harassment to the attention of their Shift Commander or their designee.
- B. The Shift Commander, or their designee, upon notification of a harassment complaint, will immediately and thoroughly investigate the complaint and report the findings, including all documentation, to the Fire Chief. The Fire Chief will take appropriate corrective action, including disciplinary measures when justified, to remedy violations of this policy.
- C. The Shift Commander will ensure the confidentiality of the charging party and the person accused regarding charges of harassment. Hutto Fire Rescue will retain confidential documentation of all allegations and investigations.
- D. A charge of harassment under this procedure does not prohibit any member from filing a complaint with any federal or state agency.

REPORTING AN INCIDENT OF HARASSMENT, DISCRIMINATION, OR RETALIATION

- A. Hutto Fire Rescue strongly urges the reporting of all incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the Hutto Fire Rescue policy or who have concerns about such matters

should file their complaints with any supervisor or manager with whom they feel comfortable, or any member of the Williamson County Emergency Services District #3 Board of Commissioners.

- B. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the other Hutto Fire Rescue designated representatives identified above.
- C. In fact, if a member tells an offending supervisor to stop harassing behavior, such activity does not constitute a valid report of a complaint under this policy; the complaint instead must be made directly to a higher-ranking supervisor. Members who experience repeat harassment after telling their harasser to stop, or who experience what they believe to be retaliation, are also expected to report their complaint directly to a higher-ranking supervisor. Members should report harassing behavior even if others also witness the conduct.
- D. Members who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. A member's failure to fulfill this obligation could affect his or her rights in pursuing legal action.
- E. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, Hutto Fire Rescue strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.
- F. The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

THE INVESTIGATION

- A. Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
- B. Members are expected to cooperate fully and honestly in the investigation process.
- C. Confidentiality will be maintained throughout the investigation process to the extent consistent with adequate investigation and appropriate corrective action.

RESPONSIVE ACTION

- A. Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately as Hutto Fire Rescue believes apt under the circumstances.
- B. Responsive action may include:
 - 1. Remedial Training.
 - 2. Referral to counseling.
 - 3. Disciplinary action.
 - a. Warning.
 - b. Reprimand.
 - c. Withholding of a promotion or pay increase (if applicable).
 - d. Reassignment.
 - e. Temporary suspension without pay (if applicable).
 - f. Termination.
- C. If a member making a complaint does not agree with its resolution, the member may appeal to the Williamson County Emergency Services District #3 Board of Commissioners President.
- D. Individuals who have questions or concerns about this policy should talk with the Fire Chief.

INTENTIONALLY FALSE REPORTS

- A. Because sexual harassment frequently involves interactions between persons that are not witnessed by others, reports of sexual harassment cannot always be substantiated by additional evidence. Lack of corroborating evidence or "proof" should not discourage individuals from reporting sexual harassment under this policy. However, individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth will be subject to disciplinary action.
- B. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.

RETALIATION IS PROHIBITED

- A. Hutto Fire Rescue prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

- B. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

HUMAN DIGNITY STATEMENT

- A. See **Chapter 1-Administration, §1-1.2-General Conduct.**