

**Adopted: November 10, 2009**

**Fire Chief Jim Spiegel**

**EQUAL EMPLOYMENT OPPORTUNITY / ANTI-HARASSMENT**

This policy applies while on the job or during any Department related activity.

**EQUAL OPPORTUNITY:** The North Berrien Fire Rescue Department provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, sexual orientation national origin, age, marital status, ancestry, physical or mental handicap or disability, military status, special disabled veteran, or unfavorable military discharge in accordance with applicable federal laws. In addition, the North Berrien Fire Rescue Department complies with state and local laws governing nondiscrimination in employment in every location in which the North Berrien Fire Rescue Department has facilities. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training. All members, managers, supervisors, and job applicants are guaranteed the same employment opportunities. No person, or member, no matter his or her title or position has the authority, expressed, actual, apparent or implied, to discriminate against another member of the Department.

**HARASSMENT:** The North Berrien Fire Rescue Department expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, marital status, ancestry, physical or mental handicap or disability, military status, special disabled veteran, or unfavorable military discharge. Improper interference with the ability of the North Berrien Fire Rescue Department's employees to perform their expected job duties is not tolerated.

**NON-RETALIATION / FALSE REPORTS:** The North Berrien Fire Rescue Department prohibits retaliation made against any member who lodges a good faith complaint of discrimination, or who participates in any related investigation. The Department recognizes that making false accusations of discrimination in bad faith can have serious consequences for those who are wrongly accused. The North Berrien Fire Rescue Department prohibits deliberately making false and/or malicious discrimination allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination.

**REPORTING:** To report an equal opportunity or harassment violation, follow the complaint reporting procedure.

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**SEXUAL HARASSMENT**

The North Berrien Fire Rescue Department does not tolerate sexual harassment in the workplace or during any Department-related activity. The North Berrien Fire Rescue Department provides internal procedures for victims of sexual harassment to report sexual harassment and disciplinary penalties for those who commit sexual harassment. 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 sexual harassment.

The North Berrien Fire Rescue Department prohibits, forbids, and does not tolerate any member, manager or visitor, male or female, to harass a member or to create a hostile or intolerable working environment by exhibiting, committing or encouraging:

- ? Direct or implied threats that submission to sexual advances will be a condition of employment or continued service with the District;
- ? Material such as pornographic or sexually explicit posters, calendars, graffiti or objects;
- ? Unwanted, unwelcome, and unwarranted sexual advances, including, but not limited to, requests, comments or innuendos regarding sex, sexual jokes, gestures, statements, email or voice mail messages, leering or stalking;
- ? Intentional, malicious or unwelcome physical conduct that is sexual in nature, including, but not limited to touching, pinching, patting, brushing, massaging someone's neck or shoulders and / or pulling against another's body or clothes; and/or
- ? Physical assaults on other members, including but not limited to rape, sexual battery, molestation, or any attempt to commit such acts.

If the North Berrien Fire Rescue Department determines that an employee is guilty of sexually harassing another employee, appropriate disciplinary action will be taken against the offending employee, up to and including termination.

**NON-RETALIATION / FALSE REPORTS:** The North Berrien Fire Rescue Department prohibits retaliation made against any member who lodges a good faith complaint of sexual harassment, or who participates in any related investigation. The Department recognizes that making false accusations of sexual harassment in bad faith can have serious consequences for those who are wrongly accused. The North Berrien Fire Rescue Department prohibits deliberately making false and/or malicious sexual harassment allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination.

**REPORTING:** To report a sexual harassment violation, follow the complaint reporting procedure.

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**MEDICAL EXAMINATIONS**

As part of the North Berrien Fire Rescue Department's employment procedures, an applicant is required to undergo a pre-employment medical examination and an alcohol and drug screening that are conducted by a physician designated by the North Berrien Fire Rescue Department. Any offer of employment that an applicant receives from the North Berrien Fire Rescue Department is conditioned upon satisfactory completion of this examination and screening and a determination by the North Berrien Fire Rescue Department and its examining physicians that the applicant is capable of performing the responsibilities of the position that has been offered.

As a condition of continued employment, employees may also be required to undergo periodic medical examination, and / or alcohol and drug screenings at times specified by the North Berrien Fire Rescue Department. In connection with these examinations, if requested, employees are required to provide the North Berrien Fire Rescue Department with access to their medical records. Further, it should be understood that the North Berrien Fire Rescue Department receives a full medical report from its examining physicians regarding the applicant or employee's state of health. The medical reports are kept in secure files separate from the employee's personnel files. All North Berrien Fire Rescue Department required medical examinations; alcohol and drug screenings are paid for in full by the North Berrien Fire Rescue Department.

Questions about the medical examinations or alcohol and drug screenings should be directed to the Fire Chief.

**ORIENTATION PROGRAM**

During your early employment you will participate in an orientation program conducted by the Fire Chief and various members of the Department. During this program you will receive important information regarding the performance requirements of your position; basic company policies, affirmative action plans, your compensation, and benefit programs, plus other information necessary to acquaint you with your job and the North Berrien Fire Rescue Department. You will also be asked to complete all necessary paperwork at this time.

At this time, you will be required to present the North Berrien Fire Rescue Department with information establishing your identity and your eligibility to work in the United States in accordance with applicable federal laws. Please use this orientation program to familiarize yourself with the North Berrien Fire Rescue Department and our policies and benefits. We encourage you to ask any questions you may have during this program so that you will understand all the guidelines that affect and govern your employment relationship with us.

**PERSONNEL, TRAINING AND MEDICAL FILES**

The North Berrien Fire Rescue Department maintains personnel, training and medical files on each employee. These files contain documentation regarding aspects of the employee's tenure with the North Berrien Fire Rescue Department such as; performance appraisals, beneficiary designation forms,

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disciplinary warning notices, training documents, medical/physical exams and letters of commendation.

You may review your personnel, training and/or medical file as requested. If you are interested in reviewing your files, contact the Fire Chief to schedule an appointment.

To insure that your personnel, training and medical files are up-to-date at all times, notify the Fire Chief of any changes in your name, telephone number, home address, marital status, number of dependents, beneficiary designations, scholastic achievements, emergency contact information and so forth.

**LIFE THREATENING ILLNESSES**

The North Berrien Fire Rescue Department recognizes that employees with a life threatening illness such as AIDS, cancer, or hepatitis, may wish to continue their employment and, in fact, that continued employment may be therapeutically important to their recovery process. The North Berrien Fire Rescue Department also recognizes that it must satisfy its legal obligation to provide a safe work environment for all employees, customers and other visitors to our premises. As long as employees who have a life threatening illness such as AIDS, cancer, or hepatitis are able to maintain acceptable performance standards in accordance with established policies and procedures, and the weight of medical evidence continues to indicate that the disease cannot be transmitted by casual work place contact, employees with a disease will be permitted to continue to work.

In determining such an employee's ability to continue in employment, the North Berrien Fire Rescue Department will consider making reasonable accommodations to the employee's condition, consistent with the applicable Federal, State and local laws. As part of its overall life-threatening illnesses/disease program, the North Berrien Fire Rescue Department will conduct training sessions with employees, to provide information about the nature of diseases and to help allay any fears often experienced by employees, owing to a lack of understanding of certain diseases and especially how they can be transmitted.

Also stressed during such sessions will be the services available to the North Berrien Fire Rescue Department to individuals with a life-threatening illness such as AIDS, cancer, or hepatitis, including counseling and referral to appropriate community organizations and the medical and other benefits to employees with a life-threatening illness such as AIDS, cancer, or hepatitis and their dependents.

If you have AIDS, cancer, hepatitis or any other life-threatening illness, please contact the Fire Chief. The Fire Chief, in conjunction with the department physician, will provide you with information about the illness and about programs available to assist you and your family. Further, the North Berrien Fire Rescue Department will take all reasonable precautions, to the maximum extent possible, to insure that information about your condition remains confidential.

The North Berrien Fire Rescue Department's physician will also determine what information should be obtained from your physician, so that the North Berrien Fire Rescue Department can explore the types of possible reasonable accommodations that may be recommended for you, consistent with the business

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needs of the Department and applicable federal, state, and local laws.

**NON-DISCRIMINATION AND EQUAL OPPORTUNITY EMPLOYMENT**

**A. Accommodation of Individuals with Disabilities**

The North Berrien Fire Rescue Department complies with the American with Disabilities Act and applicable state and local laws providing for non-discrimination in employment against qualified individuals with disabilities. The North Berrien Fire Rescue Department also provides reasonable accommodation for such individuals in accordance with these laws. In connection, the Fire Chief of the North Berrien Fire Rescue Department will evaluate the feasibility of requested accommodation in light of the ADA's guidelines and determine whether such accommodation will create an undue hardship on the North Berrien Fire Rescue Department and establish a budget for accommodation. It is the C North Berrien Fire Rescue Department 's policy to, without limitation:

1. Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process and that employees with disabilities are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment.
2. Administer medical examinations (a) to applicants only after conditional offers of employment have been extended, and (b) to employees only when justified by business necessity or as part of the North Berrien Fire Rescue Department's physical examination program.
3. Keep all medical-related information confidential in accordance with the requirements of the ADA and retain such information in separate confidential files.
4. Provide applicants and employees with disabilities with reasonable accommodation, except where such an accommodation would create an undue hardship on the North Berrien Fire Rescue Department.
5. Notify individuals with disabilities that the North Berrien Fire Rescue Department provides reasonable accommodation to qualified individuals with disabilities, by including this policy in the C North Berrien Fire Rescue Department's employment policies and by posting the Equal Employment Opportunity Commission's poster on not discriminating against individuals with disabilities and other protected groups conspicuously throughout the North Berrien Fire Rescue Department Facilities.

**Procedure for Requesting an Accommodation**

Qualified individuals with disabilities may make requests for reasonable accommodation to the Fire Chief (EEO Officer). On receipt of an accommodation request, the EEO officer will meet with the requesting individual to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the North Berrien Fire Rescue Department might make to help overcome those limitations.

The Fire Chief, will determine the feasibility of the requested accommodation, considering various factors, including, but not limited to, the nature and cost of the accommodation, the availability of tax credits and deductions, outside funding, the facility's overall financial resources and organization, and

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the accommodation's impact on the operation of the facility, including its impact on the ability of the employees to perform their duties and on the facility's ability to conduct business.

The Fire Chief will inform the employee of the North Berrien Fire Rescue Department decision on the accommodation request or on how to make the accommodation.

**B. Equal Opportunity Employer**

No Department official, agent or employee shall in any way discharge, refuse to employ, or discriminate against any person in regard to tenure, terms or conditions of employment, promotional opportunities, training or the like to any person otherwise qualified on the basis of race, religion, sex, color, creed, marital status, citizenship status, use of lawful products while not at work, being a victim of domestic or sexual violence, physical or mental disability, age, national origin, ancestry, sexual orientation, military status or unfavorable discharge from military service. All applicants or employees shall be considered only on the basis of qualifications as required by the position being sought or held relative to experience, training, physical fitness, ability, skills, knowledge, and personal characteristics and integrity as a proper representative of the Department.

Persons who believe they have not received equal employment opportunities should report their claims pursuant to the Department's grievance procedure. No employee or applicant will be discriminated against because he or she initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or state or federal laws, provided the employee or applicant did not make a knowingly false accusation nor provide knowingly false information.

The Fire Chief shall also use reasonable measures to inform employees and applicants that the Department is an equal opportunity employer, such as by posting required notices.